



Regulation A

Governance

Version 22: December 2019

DOCUMENT REVIEW

Timeframe for review: every two (2) years, or earlier if required.

Responsibilities

Document authorisation: ACEM Board
 Document implementation: Chief Executive Officer
 Document maintenance: Governance and Standards Manager

Revision History

Version	Date of Version	Pages revised / Brief Explanation of Revision
v1	Oct-2015	Regulation A1 approved by Board
v2	Apr-2016	Regulation A2 approved by Board
v3	Jun-2016	Regulation A3 approved by Board Regulation A4 approved by Board
v4	Jul-2016	Regulation A2.2.3 - A2.6 approved by Board Regulation A3.2.3 - A3.6 approved by Board Regulation A4.2 approved by Board
v5	Oct-2016	Regulation A5 approved by Board
v6	Feb-2017	Regulation A1.7 approved by Board Regulation A2.6.6.3, A2.6.7 approved by Board Regulation A3.5.7.1 approved by Board
v7	May-2017	Regulation A2.2: membership expanded to include a health jurisdiction representative Regulation A2.7.4 - A2.7.7 and A3.6.4 - A3.6.7: mechanisms to fill casual vacancies
v8	Jun-2017	Regulation A1.7.1: eligibility for membership expanded Regulation A6 approved by Board
v9	Aug-2017	Regulation A1.3: previous A1.3.4 rescinded with consequential renumbering
v10	Sep-2017	Regulation A4.3 approved by Board
v11	Dec-2017	Regulation A1.2.2 Honorary Fellowship eligibility revised
v12	Apr-2018	Regulation A5.3.3 approved by Board
v13	Jun-2018	Regulation A1.3.1: Retired Fellowship eligibility revised Regulation A5.2, A5.3: amendments to clarify granting of relief
v14	Aug-2018	Regulation A7 approved by Board
v15	Oct-2018	Regulation A3.2: membership expanded to include a community representative Regulation A8: approved by Board
v16	Dec-2018	Regulation A2.2: elected members revised Regulation A9: approved by Board
v17	Feb-2019	Regulation A7.3.1: ability to co-opt one additional member, as specified, approved by Board
v18	Jun-2019	The following were approved by the Board in April 2019 and adopted in June 2019 following approval by the Fellowship of special resolutions to amend the Constitution: <ul style="list-style-type: none"> • Regulation A2.2.2: amended to align with revisions to Constitution • Regulation A3.2: amended to align with revisions to Constitution • Regulation A4.4: approved by Board
v19	Jun-2019	Regulation A4.4.1.3: approved by Board
v20	Aug-2019	Regulation A3.2.1: amendment to regional representation

v21	Oct-2019	Regulation A3.2.1: amendment to ex-officio members
v22	Dec-2019	Regulation A9.3.1.1: amendment to Section Executive membership

TABLE OF CONTENTS

- A1 Categories of Membership.....8**
 - A1.1 Fellows..... 8
 - A1.2 Honorary Fellows 8
 - A1.3 Retired Fellows..... 8
 - A1.4 Diplomates 9
 - A1.5 Certificants 9
 - A1.6 International Affiliates 9
 - A1.7 Educational Affiliates 10

- A2 Council of Education12**
 - A2.1 Establishment..... 12
 - A2.2 Membership..... 12
 - A2.2.1 Members 12
 - A2.2.2 Office Bearers..... 12
 - A2.2.3 Membership of COE and holding of other College Office(s) 12
 - A2.2.4 Termination of Office..... 13
 - A2.2.5 Duration of Office..... 13
 - A2.3 Election of Regionally-Elected FACEM Members of COE (Regional Censors) 13
 - A2.3.1 Election Schedule 13
 - A2.3.2 Eligibility Criteria 14
 - A2.3.3 Nomination..... 14
 - A2.3.4 Election Procedure 14
 - A2.4 Regional Deputy Censors..... 15
 - A2.4.1 Election of Regional Deputy Censors 15
 - A2.4.2 Term of Office 15
 - A2.5 Election of Censor-in-Chief and Deputy Censor-in-Chief..... 15
 - A2.5.1 Election Schedule 15
 - A2.5.2 Eligibility Criteria 16
 - A2.5.3 Nomination..... 16
 - A2.5.4 Election Procedure 16
 - A2.6 Council of Education Meetings 17
 - A2.6.1 Frequency of Meetings 17
 - A2.6.2 Meeting Attendance 17
 - A2.6.3 Chair at COE Meetings 17
 - A2.6.4 Quorum..... 17
 - A2.6.5 Voting..... 17
 - A2.6.6 Proxies / Alternates / Observers 18
 - A2.6.7 Authority of the Chair 18
 - A2.7 Casual Vacancies - Council of Education..... 18

- A2.8 External Member (Community Representative) 19
- A3 Council of Advocacy, Practice and Partnerships.....20**
 - A3.1 Establishment..... 20
 - A3.2 Membership 20
 - A3.2.1 Members 20
 - A3.2.2 Office Bearers..... 20
 - A3.2.3 Membership of CAPP and holding of other College Office(s)..... 21
 - A3.2.4 Termination of Office..... 21
 - A3.2.5 Duration of Office..... 21
 - A3.3 Election of Regionally-Elected FACEM Members of CAPP..... 21
 - A3.3.1 Election Schedule 21
 - A3.3.2 Eligibility Criteria 22
 - A3.3.3 Nomination..... 22
 - A3.3.4 Election Procedure..... 23
 - A3.4 Election of Chair and Deputy Chair of CAPP..... 23
 - A3.4.1 Election Schedule 23
 - A3.4.2 Eligibility Criteria 23
 - A3.4.3 Nomination..... 23
 - A3.4.4 Election Procedure..... 24
 - A3.5 Council of Advocacy, Practice and Partnerships Meetings..... 24
 - A3.5.1 Frequency of Meetings..... 24
 - A3.5.2 Meeting Attendance 24
 - A3.5.3 Chair at CAPP Meetings 25
 - A3.5.4 Quorum..... 25
 - A3.5.5 Voting..... 25
 - A3.5.6 Proxies / Alternates..... 25
 - A3.5.7 Authority of the Chair 25
 - A3.6 Casual Vacancies - Council of Advocacy, Practice and Partnerships..... 25
- A4 ACEM Board27**
 - A4.1 President-Elect 27
 - A4.1.1 Election of President-Elect..... 27
 - A4.1.2 Eligibility Criteria 27
 - A4.1.3 Nomination..... 27
 - A4.1.4 Election Procedure..... 28
 - A4.2 Trainee Representative..... 28
 - A4.2.2 Election Schedule 28
 - A4.2.3 Eligibility Criteria 28
 - A4.2.4 Nomination..... 29
 - A4.2.5 Election Procedure..... 29

A4.2.6	Termination of Office.....	29
A4.3	Representational Membership	30
A4.3.1	Bi-National Membership.....	30
A4.3.2	Election of a National Member	30
A4.3.3	Eligibility Criteria	30
A4.3.4	Nomination by Faculty Boards	30
A4.3.5	Election Procedure.....	31
A4.4	Appointments from the Fellowship	32
A4.4.1	Appointment of Fellows (non-Officers)	32
A4.4.2	Eligibility Criteria	32
A4.4.3	Application.....	33
A4.4.4	Board Nominations Committee.....	33
A5	Pathway to Fellowship Review Committee.....	35
A5.1	Purpose and Functions	35
A5.2	Procedures Relating to Referrals and Meetings of the Pathway to Fellowship Review Committee.....	35
A5.3	Decisions of the Pathway to Fellowship Review Committee.....	36
A6	Suspension and Removal of Office Holders, Governing Body and Entity Members, and College Representatives	38
A6.1	Definitions and Interpretation	38
A6.2	Guidelines for the Suspension and Termination of Any Office or Position	38
A6.3	Application for Reinstatement of Office or Position	39
A6.4	Warning Letter	40
A6.5	Appeal.....	40
A6.6	Not Apply to Members of Board or Employment	40
A6.7	Powers under the Constitution	41
A7	Regional Faculties.....	42
A7.1	Establishment.....	42
A7.2	Regional Faculty Membership.....	42
A7.3	Regional Faculty Boards.....	42
A7.3.1	Faculty Board Membership	42
A7.3.2	Office Bearers.....	42
A7.3.3	Termination of Office.....	43
A7.3.4	Duration of Office.....	43
A7.3.5	Casual Vacancies	43
A7.4	Election of Regionally-Elected FACEM Members of Faculty Boards	44
A7.4.1	Election Schedule	44
A7.4.2	Eligibility Criteria	44
A7.4.3	Nomination.....	44
A7.4.4	Election Procedure.....	45

- A7.5 Regional Faculty Meetings.....45
- A7.6 Faculty Board Meetings46
 - A7.6.1 Frequency of Meetings46
 - A7.6.2 Meeting Attendance46
 - A7.6.3 Chair at Meetings46
 - A7.6.4 Quorum.....46
 - A7.6.5 Voting.....46
 - A7.6.6 Proxies / Alternates / Observers47
 - A7.6.7 Authority of the Chair47
- A7.7 Dissolution and Redistribution47
- A8 Suspension, Termination and Reinstatement of Membership48**
 - A8.1 Definitions and Interpretation48
 - A8.2 Suspension and Termination of Membership48
 - A8.3 Application for Reinstatement to Active Fellowship.....49
 - A8.4 Application for Reinstatement of Membership49
 - A8.5 Consideration of an Application for Reinstatement50
 - A8.6 Appeal.....50
 - A8.7 Delegation50
- A9 Sections.....51**
 - A9.1 Establishment.....51
 - A9.2 Section Membership.....51
 - A9.3 Section Executive51
 - A9.3.1 Section Executive Membership51
 - A9.3.2 Office Bearers51
 - A9.3.3 Termination of Office52
 - A9.3.4 Duration of Office.....52
 - A9.3.5 Casual Vacancies52
 - A9.4 Election of a Section Executive.....53
 - A9.4.1 Election Schedule53
 - A9.4.2 Eligibility Criteria53
 - A9.4.3 Nomination53
 - A9.4.4 Election Procedure54
 - A9.5 Section Meetings54
 - A9.6 Dissolution of Sections.....54

A1 CATEGORIES OF MEMBERSHIP

A1.1 Fellows

A1.1.1 Pursuant to clause 2.1.1 of the Constitution, the Board may admit as a Fellow persons who have met either of the following requirements:

- completion of the specialist training program; or
- in the case of emergency medicine specialist international medical graduates (SIMGs), assessment by the College under the Specialist Pathway of the Medical Board of Australia and completion of all requirements as specified by the College or assessment in New Zealand by the College and completion of all requirements as specified by the College.

A1.1.2 Individuals seeking election to Fellowship must apply in writing on the relevant form and include, with their application, payment of the applicable relevant fee.

A1.1.3 Fellows are entitled to use the post-nominal '**FACEM**' (a protected trademark) while they meet all requirements as prescribed by the College, including in relation to recertification/Continuing Professional Development, and described in the College Constitution or any relevant regulations and/or policies.

A1.2 Honorary Fellows

A1.2.1 Pursuant to clause 2.4 of the Constitution, the Board may confer Honorary Fellowship upon 'people of renown, distinguished members of the medical profession and other eminent persons, whether or not those eminent persons are members of the medical profession'.

A1.2.2 Honorary Fellowship cannot be awarded to a Fellow of the College.

A1.2.3 Honorary Fellows are entitled to use the post-nominal '**FACEM (Hon)**'.

A1.2.4 Pursuant to the ACEM Constitution, Honorary Fellows are not required to pay any entrance or annual subscription fee, and are exempt from any recertification/Continuing Professional Development requirements.

A1.3 Retired Fellows

A1.3.1 '**Retired fellow**' is a sub-class of FACEM membership. A retired fellow is defined as a FACEM who:

- (a) Has completely and permanently retired from practice, including related activities such as teaching and examining, as a specialist emergency physician, and
- (b) Is no longer acting as an expert witness in the field of emergency medicine, except in:
 - cases for which he/she has already provided an expert opinion prior to the date of signing the Retirement Declaration, and
 - cases which deal with medical practices current during any time he/she was in active practice as a specialist emergency physician and prior to signing the Retirement Declaration.

A1.3.2 A Fellow who wishes to be recognised as a retired Fellow must apply in writing to the College on the prescribed form. Such application will not be recognised until the application is considered and accepted by the College.

A1.3.3 A retired fellow who has permanently retired from all medical practice is not required to pay the fellows' annual subscription or to meet the recertification/Continuing Professional Development required of ACEM Fellows practising in the field of emergency medicine.

A1.3.4 A retired fellow remains entitled to use the post-nominal '**FACEM**' and retains all other rights and privileges of a Fellow.

A1.3.5 Any retired fellow who seeks reinstatement following a period of retirement must apply in writing to the College. The Board, at their absolute discretion, may determine the conditions under which the retired fellow may be reinstated, including any requirement to undertake and satisfactorily complete a period of retraining.

A1.4 Diplomates

A1.4.1 The Board may admit as a Diplomate medical practitioners who have completed all the requirements for the ACEM postgraduate Emergency Medicine Diploma, including associated assessment and administration requirements.

A1.4.2 Certification as a Diplomate may be subject to recertification/Continuing Professional Development requirements as described in any relevant regulations and/or policies passed by the College for that purpose.

A1.4.3 A Diplomate is entitled to acknowledge his/her membership status on his/her curriculum vitae, with the associated post-nominal '**Dip EM (ACEM)**', while currently certified according to the prescribed requirements of the College.

A1.4.4 The annual subscription for a Diplomate will be set by the College Board. Pursuant to Clause 3 of the College Constitution, failure to pay the annual subscription fee within the required period will result in the loss of membership and all associated rights and privileges.

A1.4.5 Diplomates may be entitled to attend and speak, but shall not be entitled to vote at general meetings.

A1.5 Certificants

A1.5.1 The Board may admit as a Certificant medical practitioners who have completed all the requirements for the ACEM postgraduate Emergency Medicine Certificate, including associated assessment and administrative requirements.

A1.5.2 Certification as a Certificant may be subject to recertification/Continuing Professional Development requirements as described in any relevant regulations and/or policies passed by the College for that purpose.

A1.5.3 A Certificant is entitled to acknowledge his/her membership status on his/her curriculum vitae, with the associated post-nominal '**Cert EM (ACEM)**', while currently certified according to the prescribed requirements of the College.

A1.5.4 The annual subscription for a Certificant will be set by the College Board. Pursuant to Clause 3 of the College Constitution, failure to pay the annual subscription fee within the required period will result in the loss of membership and all associated rights and privileges.

A1.5.5 Certificants may be entitled to attend and speak, but shall not be entitled to vote at general meetings.

A1.6 International Affiliates

A1.6.1 The Board may admit as International Affiliates of ACEM medical practitioners who:

- (a) hold a Master of Medicine degree in Emergency Medicine (or equivalent degree) from a university in a developing country, (as defined by the College) and who also are living and working in the field of Emergency Medicine a developing country; or

- (b) medical practitioners with qualifications in emergency medicine that enables them to be recognised as a specialist in the jurisdiction in which they are domiciled and working, where that jurisdiction is not recognised by ACEM as a Developing Country.
- A1.6.2 Membership as an International Affiliate cannot be awarded to a Fellow of the College or to a person holding any other level of membership of the College.
- A1.6.3 For the purpose of this regulation, **‘developing country’** will be defined by the Board in accordance with the principles laid down in the *ACEM Policy on defining ‘Developing Country’*.
- A1.6.4 Annual subscriptions for International Affiliates will be set by the College Board.
 - (a) Pursuant to Clause 3.1 of the College Constitution, members admitted under A1.6.1(a) will be exempt from payment of an annual subscription.
 - (b) For members admitted as International Affiliates under regulations other than A1.6.1(a) and for whom an annual subscription is payable, failure to pay the annual subscription fee within the required period will result in the loss of membership and all associated rights and privileges.
- A1.6.5 International affiliates are entitled to access to all on-line resources available to FACEMs.
- A1.6.6 Certification as an International Affiliate may be subject to recertification/Continuing Professional Development requirements as described in any relevant regulations and/or policies passed by the College for that purpose.
- A1.6.7 International affiliates may be entitled to attend and speak at general meetings, but are not entitled to vote at any meeting of the College or in College elections or decisions.
- A1.6.8 International Affiliates will be entitled to acknowledge their membership status on his/her Curriculum Vitae; however, as there is not a qualification conferred by ACEM associated with this category of membership, there are no associated post-nominals.
- A1.6.9 International Affiliates admitted under A1.6.1(a) who move or work outside of a jurisdiction defined by the College as a Developing Country for a period of more than twelve months must advise the College. In such circumstances the membership of the College will be removed until such time as the individual applies for reinstatements as an International Affiliate and the reinstatement is granted, or the individual applies for and is granted membership of the College in a different category.

A1.7 Educational Affiliates

- A1.7.1 The Board may admit as Educational Affiliates of ACEM:
 - (a) medical practitioners whose qualifications, training and experience have been assessed by the College as sufficient to enable them to practise safely with supervision in a specific position of workforce shortage in Australia;
 - (b) suitably qualified medical practitioners, who were not trained in Australia or New Zealand and whose qualifications, training and experience have been assessed by the College as sufficient to enable them to practise safely under peer review;
 - (c) suitably qualified medical practitioners, who were not trained in Australia or New Zealand and who are registered within a provisional vocational scope of practice (supervision or assessment) by the Medical Council of New Zealand;
 - (d) medical practitioners registered to practise in Australia or New Zealand (as applicable) and whose practice is principally in the area of emergency medicine.
- A1.7.2 Membership as an Educational Affiliate cannot be awarded to a Fellow of the College or to a person holding any other level of membership of the College.

- A1.7.3 Annual subscriptions for Educational Affiliates described under all of the classes nominated above will be set by the College Board. Pursuant to Clause 3 of the College Constitution, failure to pay the annual subscription fee within the required period will result in the loss of membership and all associated rights and privileges.
- A1.7.4 An Educational Affiliate shall retain their status so long as they continue to fulfil all terms and conditions prescribed by the College.
- A1.7.5 Educational Affiliates are entitled to access all on-line resources available to FACEMs.
- A1.7.6 Certification as an Educational Affiliate may be subject to recertification/Continuing Professional Development requirements as described in any relevant regulations and/or policies passed by the College for that purpose.
- A1.7.7 The fees payable for participation in the ACEM Non-Specialist CPD program as required under Regulation A1.7.6 shall be as determined by the College Board for that purpose from time to time.
- A1.7.8 Educational Affiliates may be entitled to attend and speak at general meetings, but are not entitled to vote at any meeting of the College or in College elections or decisions.
- A1.7.9 Educational Affiliates will be entitled to acknowledge their membership status on his/her Curriculum Vitae; however, as there is not a qualification conferred by ACEM associated with this category of membership, there are no associated post-nominals.

A2 COUNCIL OF EDUCATION

A2.1 Establishment

A2.1.1 The Council of Education (COE) is established pursuant to clause 13 of the ACEM Constitution.

A2.2 Membership

A2.2.1 Members

The membership of COE shall consist of the following:

(a) Ex-officio members, being:

- the President of the College
- the President-Elect or Immediate-Past-President (as appropriate) (non-voting when the President is in attendance)
- one (1) trainee representative, who shall be the duly appointed Chair or Deputy Chair of the Trainee Committee
- the Chief Executive Officer (non-voting)
- the Executive Director of Education and Training (non-voting)

(b) A total of eleven (11) elected FACEM members, comprising:

- a Chair (known as the Censor-in-Chief)
- a Deputy Chair (known as the Deputy Censor-in-Chief), and
- one (1) FACEM from each of the following regions (known as Regional Censors):
 - Australian Capital Territory
 - New South Wales
 - New Zealand
 - Northern Territory
 - Queensland
 - South Australia
 - Tasmania
 - Victoria
 - Western Australia

(c) one (1) external member (a community representative), who shall be appointed in accordance with the *Policy on the Appointment and Remuneration of Community Representatives (COR498)*

(d) one (1) health jurisdiction representative nominated by the Health Workforce Principal Committee and/or the New Zealand Ministry of Health.

A2.2.2 Office Bearers

A2.2.2.1 The Censor-in-Chief and the Deputy Censor-in-Chief shall be the COE office bearers.

A2.2.2.2 Pursuant to clause 8.1.4 of the ACEM Constitution, the Censor-in-Chief shall be a member of the ACEM Board.

A2.2.3 Membership of COE and holding of other College Office(s)

A2.2.3.1 The office of regionally-elected FACEM member of COE (Regional Censor) may not be held concurrently with the office of President, President-Elect or Immediate Past President.

A2.2.3.2 The office of regionally-elected FACEM member of COE (Regional Censor) may not be held concurrently with the office of Censor-in-Chief or Deputy Censor-in-Chief.

A2.2.3.3 Pursuant to clause 13.4.3 of the Constitution, a member of the Council of Advocacy Practice and Partnerships (CAPP) is not eligible to become a member of COE, except with the Board's prior approval.

A2.2.4 Termination of Office

A2.2.4.1 If an elected FACEM member of COE is elected to the position of President-Elect, his/her position as a member of COE shall thereupon become vacant.

A2.2.4.2 If a member (other than an ex-officio member) is absent from two or more consecutive meetings or greater than 50 per cent of meetings in any calendar year without the leave of the CIC, COE may declare his/her position vacant.

A2.2.4.3 If a member ceases to meet the eligibility requirements for membership pursuant to this regulation, his or her position as a member of COE shall thereupon become vacant.

A2.2.4.4 If during the term for which a member was elected, a regionally-elected FACEM member of COE relocates permanently to a region other than that to which they were elected to represent, his or her position as a member of COE shall thereupon become vacant.

A2.2.4.5 If a regionally-elected FACEM member of COE retires from active practice in accordance with Regulation A1.3, his or her position as a member of COE shall thereupon become vacant.

A2.2.5 Duration of Office

A2.2.5.1 Pursuant to clause 13.4 of the Constitution, members of COE elected or appointed pursuant to Regulation A2.2.1(b) or Regulation A2.2.1(c) shall hold office for a period of two (2) years from the date of the AGM at which they are elected or appointed, at which time they may nominate for reappointment, provided that they continue to meet eligibility requirements.

A2.2.5.2 Members of COE elected pursuant to Regulation A2.2.1(b) may serve a maximum of three (3) successive two-year terms in any one of the positions named therein, provided that they continue to meet eligibility requirements; however, the total period served in any capacity (as Regional Censor and/or office bearer (CIC/DCIC) combined) shall be eight (8) years (four (4) successive terms).

A2.2.5.3 Members of COE appointed pursuant to Regulation A2.2.1(c) or Regulation A2.2.1(d) may serve a maximum of three (3) successive two-year terms, provided that they continue to meet eligibility requirements.

A2.2.5.4 Members of COE who have served their maximum allowable period may be eligible for reappointment to COE following a period of two (2) years absence from COE.

A2.3 Election of Regionally-Elected FACEM Members of COE (Regional Censors)

A2.3.1 Election Schedule

A2.3.1.1 Elections for Regionally-Elected FACEM members of COE (Regional Censors) described in Regulation A2.2.1(b) shall be held every two (2) years in years in which a President-Elect is due to be elected prior to the Annual General Meeting (AGM) to be held in November in that year, and subsequent to the election of Censor-in-Chief and Deputy Censor-in-Chief and in sufficient time for the outcome of the elections to be announced at the AGM.

A2.3.1.2 The returning officer for the election of Regional Censors will be the College Chief Executive Officer or nominee, or, should that office be vacant, the individual acting in that position.

A2.3.2 Eligibility Criteria

Nominees for election as a Regional Censor must, at the time of nomination:

A2.3.2.1 be an ACEM Fellow in active clinical practice, working in the Region for which they wish to serve as a Regional Censor;

A2.3.2.2 be currently compliant with all relevant ACEM renewal of Fellowship requirements;

A2.3.2.3 have no financial debts to the College; and

A2.3.2.4 hold current medical registration with no suspension, condition(s), restriction(s) or undertaking(s) imposed by a regulatory authority that limits their ability to practise as a specialist emergency medicine physician in Australia or New Zealand.

A2.3.3 Nomination

A2.3.3.1 In years in which elections of Regional Censors are due to occur, a call for nominations will be made.

A2.3.3.2 Eligible FACEMs may nominate (propose) themselves for election as a Regional Censor.

A2.3.3.3 The proposer or seconder of a nominee must be a FACEM member of:

- the current COE; or
- the relevant regional Faculty Board; or
- a Director of Emergency Medicine Training in the relevant region.

A2.3.3.4 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for nominations is issued.

A2.3.3.5 The nomination, together with all information and other documentation specified in these regulations and on that form, must reach the returning officer by the date and time specified in the call for nominations.

A2.3.3.6 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the applicable election.

A2.3.3.7 Following the closing of nominations, the returning officer will determine the number of valid nominations received and, pursuant to Regulation A2.3.3.8, determine whether an election will be held.

A2.3.3.8 If the number of nominations for election as a Regional Censor in any region is two (2) or greater, an election will be held. If there is only one (1) valid nomination for a particular region(s), that person shall be deemed elected as Regional Censor for the region in question.

A2.3.4 Election Procedure

A2.3.4.1 Only current ACEM Fellows resident in the relevant region, including those formally recognised by the College as a Retired Fellow, are eligible to vote in an election for Regional Censor.

A2.3.4.2 Fellows, if they elect to vote, may only vote for one (1) candidate.

A2.3.4.3 Voting shall be conducted in the manner determined by the returning officer, with Fellows provided 14 days in which to vote.

A2.3.4.4 The candidate who receives the highest number of votes shall be declared elected at the Annual General Meeting.

A2.3.4.5 In the event of two (2) or more candidates receiving an equal number of votes, the candidate deemed to have the higher number of votes will be determined by lot drawn by the returning officer.

A2.4 Regional Deputy Censors

A2.4.1 Election of Regional Deputy Censors

A2.4.1.1 At the same time as elections are held for Regional Censors pursuant to Regulation A2.3.1, elections will also be held for the position of Regional Deputy Censor.

A2.4.1.2 Eligibility for the position of Regional Deputy Censor shall be as described in Regulation A2.3.2 for Regional Censors.

A2.4.1.3 The nomination process for the position of Regional Deputy Censor shall be as described in Regulation A2.3.3 for Regional Censors.

A2.4.1.4 If an election is required for a Regional Deputy Censor position, all current members of COE with voting rights shall be eligible to vote.

A2.4.1.5 In the event of two (2) or more candidates receiving an equal number of votes, the Censor-in-Chief shall have a casting as well as a deliberative vote.

A2.4.1.6 Regional Deputy Censors are not members of COE; however, pursuant to Regulation A2.6.6.2, Regional Deputy Censors are authorised to act as an alternate to the Regional Censor of their region where the Regional Censor is unable to do so, and, pursuant to Regulation A2.6.6.3, to otherwise observe the activities of COE.

A2.4.2 Term of Office

A2.4.2.1 Regional Deputy Censors shall hold office for a period of two (2) years from the date of the AGM at which they are declared elected, at which time they may nominate for reappointment, provided that they continue to meet eligibility requirements.

A2.4.2.2 Regional Deputy Censors may serve a maximum of three (3) successive two-year terms in that position.

A2.5 Election of Censor-in-Chief and Deputy Censor-in-Chief

A2.5.1 Election Schedule

A2.5.1.1 Elections for the positions of Censor-in-Chief and Deputy Censor-in-Chief shall be held every two (2) years in the years in which a President-Elect is due to be elected prior to the Annual General Meeting (AGM) to be held in November in that year and prior to the election of Regional Censors and Regional Deputy Censors, and in sufficient time for the outcome of the elections to be announced at the AGM.

A2.5.1.2 The returning officer for the election of the Censor-in-Chief and Deputy Censor-in-Chief will be the College Chief Executive Officer or nominee, or, should that office be vacant, the individual acting in that position.

A2.5.1.3 Where there are two (2) or more valid nominations for either position, an election shall be held. If there is only one (1) valid nomination for a particular position, that person shall be deemed elected to the position in question.

A2.5.1.4 Following the close of nominations, should an election for either position(s) be required, all members of COE with voting rights shall be eligible to vote.

A2.5.2 Eligibility Criteria

A2.5.2.1 Nominees for election for the positions of Censor-in-Chief or Deputy Censor-in-Chief must, at the time of nomination, be a current FACEM member of COE appointed pursuant to Regulation A2.2.1(b) in these regulations or a Regional Deputy Censor appointed pursuant to Regulation A2.4.

A2.5.3 Nomination

A2.5.3.1 In years in which an election for Censor-in-Chief and Deputy Censor-in-Chief is due to take place, a call for nominations will be made.

A2.5.3.2 The nomination form must be signed by the proposer and the seconder and counter signed by the nominee.

A2.5.3.3 Both the proposer and seconder of a nominee must be current members of COE.

A2.5.3.4 Eligible members of COE may propose themselves for election as Censor-in-Chief or Deputy Censor-in-Chief.

A2.5.3.5 A consent to act as a director signed by the nominee must be submitted with the nomination.

A2.5.3.6 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for nominations is issued.

A2.5.3.7 The nomination, together with all information and other documentation specified in these regulations and on that form must reach the returning officer by the date and time specified in the call for nominations.

A2.5.3.8 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the election.

A2.5.3.9 Following the closing of nominations, the returning officer will determine the number of valid nominations received and, pursuant to Regulation A2.5.3.10, determine whether an election will be held.

A2.5.3.10 If the number of nominations for election as either Censor-in-Chief or Deputy Censor-in-Chief is two (2) or greater, an election for the applicable position(s) will be held.

A2.5.4 Election Procedure

A2.5.4.1 Only members of COE who are voting members of COE at the time of the election are eligible to vote in an election for Censor-in-Chief and/or Deputy Censor-in-Chief.

A2.5.4.2 Members of COE, if they elect to vote, may only vote for one (1) candidate for the position(s) for which an election is being conducted.

A2.5.4.3 Voting shall be conducted in the manner determined by the returning officer, with members of COE provided 14 days in which to vote.

A2.5.4.4 The candidate who receives the most votes shall be declared elected at the Annual General Meeting.

A2.5.4.5 In the event of two (2) or more candidates receiving an equal number of votes, the candidate deemed to have the higher number of votes will be determined by lot drawn by the returning officer.

A2.6 Council of Education Meetings

Subject to these and any other applicable regulations and policies, COE has authority to regulate its meetings as it thinks fit.

A2.6.1 Frequency of Meetings

A2.6.1.1 Meetings of COE shall be held as often as required, but COE will meet a minimum of three (3) times annually.

A2.6.2 Meeting Attendance

A2.6.2.1 COE members should attend meetings whenever possible. Members should notify the CIC beforehand if they are unable to attend a scheduled meeting. A COE member who cannot attend two (2) or more consecutive meetings must seek, in writing, prior leave of absence from the CIC.

A2.6.2.2 Pursuant to Regulation A2.2.4.2, the position of a member of COE may be declared vacant if the member is absent from two (2) or more consecutive meetings or greater than 50 per cent of meetings in any calendar year without the leave of the CIC.

A2.6.3 Chair at COE Meetings

A2.6.3.1 The Censor-in-Chief shall preside at meetings of COE. In his or her absence, the Deputy Chair (the Deputy Censor-in-Chief) shall assume the role of Chair and preside over the meeting.

A2.6.4 Quorum

A2.6.4.1 The transaction of business at a Council meeting requires a quorum of at least 50% of voting members, including the Chair, or, in their absence, the Deputy Chair. Non-voting members do not contribute to the determination of a quorum based on those present.

A2.6.4.2 If at any time during a meeting the quorum is lost (whether because a member has a conflict of interest and cannot vote, has left the meeting or otherwise), COE cannot make a valid decision and may not exercise any of its delegated authority. COE may nevertheless continue the meeting for discussion purposes only or until such time as a quorum is attained.

A2.6.5 Voting

A2.6.5.1 All members of COE shall have voting rights, with the exception of those designated as 'non-voting' in Regulation A2.2.1.

A2.6.5.2 Where the President is unable to attend a meeting of COE, the President-Elect or Immediate Past President or CEO shall exercise the voting rights of the President.

A2.6.5.3 Questions arising at a COE meeting shall be decided by a majority of the votes cast by COE members present and entitled to vote on the matter. The Chair of the meeting has a casting vote in addition to a deliberative vote where there is an equality of votes.

A2.6.5.4 Pursuant to regulation A2.6.4.2, any vote taken on any matter where a quorum was not attained shall not be valid, nor binding.

A2.6.5.5 Questions arising outside of a formally convened meeting of COE may be put by electronic or other means specified by the Chair. In such instances, a motion will be deemed to be carried or defeated when a majority of the members of COE eligible to vote on the matter is achieved in favour or against the motion in the timeframe specified for the vote. Where a vote is not received from any member(s) of COE, or their delegate as appropriate, who are eligible to vote, this shall be considered as an abstention to the question. Where a majority of those eligible to vote is not attained for or against the motion in the timeframe indicated for the vote, the question will be deemed to have been lost.

A2.6.6 Proxies / Alternates / Observers

A2.6.6.1 Other than as allowed in these regulations, COE members are unable to appoint a proxy or an alternate to attend any meeting on their behalf.

A2.6.6.2 Regional Deputy Censors are authorised to act as an alternate to the Regional Censor of their region where the Regional Censor is unable to do so. When acting in that capacity, the Regional Deputy Censor shall have the same rights and obligations as the Regional Censor, including voting rights.

A2.6.6.3 Other than when acting as an alternate to the Regional Censor pursuant to Regulation A2.6.6.2, Regional Deputy Censors may observe the activities of COE. As observers, Regional Deputy Censors may attend all meetings held by teleconference or other electronic means and one (1) face-to-face meeting of COE each year. At the discretion of the Censor-in-Chief, Regional Deputy Censors receive the same information and documents associated with the activities of COE as Regional Censors. As observers, Regional Deputy Censors do not have voting rights.

A2.6.7 Authority of the Chair

A2.6.7.1 Other than in relation to strategic matters, matters requiring decision outside of scheduled meetings may, at the discretion of the Censor-in-Chief, be determined by the Censor-in-Chief or by the whole Council as required. Matters dealt with by the Censor-in-Chief will be tabled at the next meeting of COE.

A2.7 Casual Vacancies - Council of Education

A2.7.1 A casual vacancy shall arise where a member of COE resigns, is removed from, or otherwise ceases to be a member of the Council, other than through retirement at the end of his or her term.

A2.7.2 Any member of the Council appointed to fill a casual vacancy shall hold office only until the next scheduled AGM where appointment of members of COE is scheduled to be declared and shall be eligible to stand for election and/or re-appointment in accordance with these regulations.

A2.7.3 Any period served on COE as a casual vacancy shall not count for the purposes of determining the term of office of the individual who has filled the casual vacancy.

A2.7.4 Where a casual vacancy arises in relation to a regionally-elected position (Regional Censor or Regional Deputy Censor as applicable):

- (a) eligibility for the position shall be as described in Regulation A2.3.2
- (b) the nomination process shall be as described in Regulation A2.3.3
- (c) if an election is required, the process shall be as described in Regulation A2.3.4.

A2.7.5 If no valid nomination is received by the returning officer by the date and time specified in the call for nominations, the position shall remain vacant.

A2.7.6 Where a Regional Censor or Regional Deputy Censor position remains vacant pursuant to Regulation A2.7.5, COE may, at its discretion, recommend an eligible FACEM to the Board for appointment to the position.

A2.7.7 Any period served on COE pursuant to Regulation A2.7.6 shall not count for the purposes of determining the term of office of the individual who has filled the vacancy.

A2.8 External Member (Community Representative)

A2.8.1 Subject to the provisions of the Constitution and these regulations, the recruitment and appointment of the external member (Community Representative) shall be governed by the *ACEM Policy on the Appointment and Remuneration of Community Representatives* (COR498).

A3 COUNCIL OF ADVOCACY, PRACTICE AND PARTNERSHIPS

A3.1 Establishment

A3.1.1 The Council of Advocacy, Practice and Partnerships (CAPP) is established pursuant to clause 14 of the ACEM Constitution.

A3.2 Membership

A3.2.1 Members

The membership of CAPP shall consist of the following:

(a) Ex-officio members, being:

- the President of the College
- the President-Elect or Immediate-Past-President (as appropriate) (non-voting when the President is in attendance)
- one (1) trainee representative, who shall be the duly appointed Chair or Deputy Chair of the Trainee Committee or their nominee (who shall be a member of the Trainee Committee)
- the Chief Executive Officer (non-voting)
- the Executive Director of Policy and Research (non-voting).

(b) A Chair and Deputy Chair.

(c) Regionally-elected FACEM members, the number and distribution of whom are:

- three (3) FACEMs each from:
 - New South Wales
 - Queensland
 - Victoria
- two (2) FACEMs each from:
 - New Zealand
 - Western Australia
- one (1) FACEM each from:
 - ACT
 - Northern Territory
 - South Australia
 - Tasmania

(d) one (1) external member (a community representative), who shall be appointed in accordance with the *Policy on the Appointment and Remuneration of Community Representatives (COR498)*.

(e) any additional member(s) as approved by the ACEM Board.

A3.2.2 Office Bearers

A3.2.2.1 The Chair and Deputy Chair of CAPP shall be the CAPP office bearers.

A3.2.2.2 Pursuant to clause 8.1.3 of the ACEM Constitution, the Chair of CAPP shall be a member of the ACEM Board.

A3.2.3 Membership of CAPP and holding of other College Office(s)

A3.2.3.1 The office of regionally-elected FACEM member of CAPP may not be held concurrently with the office of President, President-Elect or Immediate Past President.

A3.2.3.2 Pursuant to clause 13.4.3 of the Constitution, a member of the Council of Education (COE) is not eligible to become a member of CAPP, except with the Board's prior approval.

A3.2.4 Termination of Office

A3.2.4.1 If a regionally-elected FACEM member of CAPP is elected to the position of President-Elect, his/her position as a member of CAPP shall thereupon become vacant.

A3.2.4.2 If a member (other than an ex-officio member) is absent from two or more meetings of the Council in the same calendar year without the leave of the Chair, the Council may declare his/her position vacant.

A3.2.4.3 If a member ceases to meet the eligibility requirements for membership pursuant to this regulation, his or her position as a member of CAPP shall thereupon become vacant.

A3.2.4.4 If during the term for which a member was elected, a regionally-elected FACEM member of CAPP relocates permanently to a region other than that to which they were elected to represent, his or her position as a member of CAPP shall thereupon become vacant.

A3.2.4.5 If a regionally-elected FACEM member of CAPP retires from active practice in accordance with Regulation A1.3, his or her position as a member of the CAPP shall thereupon become vacant.

A3.2.5 Duration of Office

A3.2.5.1 Pursuant to clause 13.4 of the Constitution, members of CAPP elected or appointed pursuant to Regulation 3.2.1(b), (c), (d) or (e) shall hold office for a period of two (2) years from the date of the AGM at which they are elected or appointed, at which time they may nominate for reappointment, provided that they continue to meet eligibility requirements.

A3.2.5.2 Members of CAPP elected pursuant to Regulation A3.2.1(c) may serve a maximum of three (3) successive two-year terms; however, may serve a fourth successive term if that term is to be served as an office bearer (i.e. Chair or Deputy Chair) of CAPP. For certainty, the total period served in any capacity on CAPP shall be eight (8) years (four (4) successive terms).

A3.2.5.3 Members of CAPP elected pursuant to Regulation A3.2.1(d) may serve a maximum of three (3) successive two-year terms, provided that they continue to meet eligibility requirements.

A3.2.5.4 Members of CAPP who have served their maximum allowable period may be eligible for reappointment to CAPP following a period of two (2) years absence from CAPP.

A3.3 Election of Regionally-Elected FACEM Members of CAPP

A3.3.1 Election Schedule

A3.3.1.1 Elections for regionally-elected FACEM members of CAPP described in Regulation A3.2.1(c) shall be held every two years in years in which a President-Elect takes office as President prior to the Annual General Meeting (AGM) to be held in November in that year and subsequent to the election of Chair and Deputy Chair of CAPP and in sufficient time for the outcome of the elections to be announced at the AGM.

A3.3.1.2 The returning officer for the election of the position(s) of regionally-elected member(s) of CAPP will be the College Chief Executive Officer or nominee, or, should that office be vacant, the individual acting in that position.

A3.3.2 Eligibility Criteria

Nominees for election as a regionally-elected FACEM member of CAPP must, at the time of nomination:

A3.3.2.1 be an ACEM Fellow in active clinical practice, working in the Region for which they wish to serve as a member of CAPP;

A3.3.2.2 be currently compliant with all relevant ACEM renewal of Fellowship requirements;

A3.3.2.3 have no financial debts to the College;

A3.3.2.4 hold current medical registration with no suspension, condition(s), restriction(s) or undertaking(s) imposed by a regulatory authority that limits their ability to practise as a specialist emergency medicine physician in Australia or New Zealand.

A3.3.3 Nomination

A3.3.3.1 In years in which elections of CAPP members are due to occur, a call for nominations will be made.

A3.3.3.2 Eligible FACEMs may nominate (propose) themselves for election as a regionally-elected FACEM member of CAPP.

A3.3.3.3 The proposer or seconder of a nominee must be a FACEM member of:

- the current CAPP; or
- the relevant regional Faculty Board.

A3.3.3.4 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for nominations is issued.

A3.3.3.5 The nomination, together with all information and other documentation specified in these regulations and on that form, must reach the returning officer by the date and time specified in the call for nominations.

A3.3.3.6 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the applicable election.

A3.3.3.7 Following the closing of nominations, the returning officer will determine the number of valid nominations received and, pursuant to Regulation A3.3.3.8, determine whether an election will be held.

A3.3.3.8 If the number of nominations for election as a regionally-elected FACEM member of CAPP is greater for any region(s) than the number of positions available, an election will be held. If the number of valid nominations received is fewer or equal to the number of positions available for a particular region(s), the person(s) nominated shall be deemed elected to represent the region(s) in question.

A3.3.4 Election Procedure

- A3.3.4.1 Only current ACEM Fellows resident in the relevant region, including those formally recognised by the College as a Retired Fellow, are eligible to vote in an election for a regionally-elected FACEM member(s) of CAPP.
- A3.3.4.2 Fellows, if they elect to vote, may vote for up to but not more than the total number of available regionally-elected FACEM member(s) position(s) for the applicable region.
- A3.3.4.3 Voting shall be conducted in the manner determined by the returning officer, with Fellows provided 14 days in which to vote.
- A3.3.4.4 The candidate(s) who receive the highest number of votes for the available position(s) shall be declared elected at the Annual General Meeting.
- A3.3.4.5 In the event of two (2) or more candidates receiving an equal number of votes for any available position(s), and where no further positions are vacant, the candidate deemed to have the higher number of votes will be determined by lot drawn by the returning officer.

A3.4 Election of Chair and Deputy Chair of CAPP

A3.4.1 Election Schedule

- A3.4.1.1 Elections for the positions of Chair and Deputy Chair of CAPP shall be held every two (2) years in the years in which a President-Elect takes office as President at the Annual General Meeting (AGM) to be held in November in that year, prior to the election of regionally-elected FACEM members of CAPP and in sufficient time for the outcome of the elections to be announced at the AGM.
- A3.4.1.2 The returning officer for the election of the Chair and Deputy Chair of CAPP will be the College Chief Executive Officer or nominee, or, should that office be vacant, the individual acting in that position.
- A3.4.1.3 Where there are two (2) or more valid nominations for either position, an election shall be held. If there is only one (1) valid nomination for a particular position, that person shall be deemed elected to the position in question.
- A3.4.1.4 Following the close of nominations, should an election for either or both position(s) be required, all members of CAPP with voting rights shall be eligible to vote.

A3.4.2 Eligibility Criteria

- A3.4.2.1 Nominees for election for the positions of Chair and Deputy Chair of CAPP must, at the time of nomination, be a current FACEM member of CAPP appointed pursuant to Regulation A3.2.1(b) or (c).

A3.4.3 Nomination

- A3.4.3.1 In years in which an election for Chair and Deputy Chair of CAPP is due to take place, a call for nominations will be made.
- A3.4.3.2 The nomination form must be signed by the proposer and the seconder and counter signed by the nominee.
- A3.4.3.3 Both the proposer and seconder of a nominee must be current members of CAPP.
- A3.4.3.4 Eligible members of CAPP may propose themselves for election as Chair or Deputy Chair of CAPP.

- A3.4.3.5 A consent to act as a director signed by the nominee must be submitted with the nomination.
- A3.4.3.6 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for nominations is issued.
- A3.4.3.7 The nomination, together with all information and other documentation specified in these regulations and on that form must reach the returning officer by the date and time specified in the call for nominations.
- A3.4.3.8 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the election.
- A3.4.3.9 Following the closing of nominations, the returning officer will determine the number of valid nominations received and, pursuant to Regulation A3.4.3.10, determine whether an election will be held.
- A3.4.3.10 If the number of nominations for election as either Chair or Deputy Chair of CAPP is two (2) or greater, an election for the applicable position(s) will be held.

A3.4.4 Election Procedure

- A3.4.4.1 Only members of CAPP who are voting members of CAPP at the time of the election are eligible to vote in an election for Chair and/or Deputy Chair of CAPP.
- A3.4.4.2 Members of CAPP, if they elect to vote, may only vote for one (1) candidate for the position(s) for which an election is being conducted.
- A3.4.4.3 Voting shall be conducted in the manner determined by the returning officer, with members of CAPP provided 14 days in which to vote.
- A3.4.4.4 The candidate who receives the most votes shall be declared elected at the Annual General Meeting.
- A3.4.4.5 In the event of two (2) or more candidates receiving an equal number of votes, the candidate deemed to have the higher number of votes will be determined by lot drawn by the returning officer.

A3.5 Council of Advocacy, Practice and Partnerships Meetings

Subject to these and any other applicable regulations and policies, CAPP has authority to regulate its meetings as it thinks fit.

A3.5.1 Frequency of Meetings

- A3.5.1.1 Meetings of CAPP shall be held as often as required, but CAPP will meet a minimum of three (3) times annually.

A3.5.2 Meeting Attendance

- A3.5.2.1 CAPP members should attend meetings whenever possible. Members should notify the Chair beforehand if they are unable to attend a scheduled meeting. A CAPP member who cannot attend two (2) or more consecutive meetings must seek, in writing, prior leave of absence from the Chair of CAPP.
- A3.5.2.2 Pursuant to Regulation A3.2.4.2, the position of a member of CAPP may be declared vacant if the member is absent from two (2) or more consecutive meetings or greater than 50 per cent of meetings in any calendar year without the leave of the Chair.

A3.5.3 Chair at CAPP Meetings

A3.5.3.1 The Chair of CAPP shall preside at meetings of CAPP. In his or her absence, the Deputy Chair shall assume the role of Chair and preside over the meeting.

A3.5.4 Quorum

A3.5.4.1 The transaction of business at a Council meeting requires a quorum of at least 50% of voting members, including the Chair, or, in their absence, the Deputy-Chair. Non-voting members do not contribute to the determination of a quorum based on those present.

A3.5.4.2 If at any time during a meeting the quorum is lost (whether because a member has a conflict of interest and cannot vote, has left the meeting or otherwise), CAPP cannot make a valid decision and may not exercise any of its delegated authority. CAPP may nevertheless continue the meeting for discussion purposes only or until such time as a quorum is attained.

A3.5.5 Voting

A3.5.5.1 All members of CAPP shall have voting rights, with the exception of those designated as 'non-voting' in Regulation A3.2.1.

A3.5.5.2 Where the President is unable to attend a meeting of CAPP, the President-Elect or Immediate Past President or CEO or their nominee shall exercise the voting rights of the President.

A3.5.5.3 Questions arising at a CAPP meeting shall be decided by a majority of the votes cast by CAPP members present and entitled to vote on the matter. The Chair of the meeting has a casting vote in addition to a deliberative vote where there is an equality of votes.

A3.5.5.4 Pursuant to regulation A3.5.4.2, any vote taken on any matter where a quorum was not attained shall not be valid, nor binding.

A3.5.5.5 Questions arising outside of a formally convened meeting of CAPP may be put by electronic or other means specified by the Chair. In such instances, a motion will be deemed to be carried or defeated when a majority of the members of CAPP eligible to vote on the matter is achieved in favour or against the motion in the timeframe specified for the vote. Where a vote is not received from any member(s) of CAPP, or their delegate as appropriate, who are eligible to vote, this shall be considered as an abstention to the question. Where a majority of those eligible to vote is not attained for or against the motion in the timeframe indicated for the vote, the question will be deemed to have been lost.

A3.5.6 Proxies / Alternates

A3.5.6.1 Other than as allowed in these regulations, CAPP members are unable to appoint a proxy or an alternate to attend any meeting on their behalf.

A3.5.7 Authority of the Chair

A3.5.7.1 Other than in relation to strategic matters, matters requiring decision outside of scheduled meetings may, at the discretion of the Chair, be determined by the Chair or by the whole Council as required. Matters dealt with by the Chair will be tabled at the next meeting of CAPP.

A3.6 Casual Vacancies - Council of Advocacy, Practice and Partnerships

A3.6.1 A casual vacancy shall arise where a member of CAPP resigns, is removed from, or otherwise ceases to be a member of the Council, other than through retirement at the end of his or her term.

- A3.6.2 Any member of the Council appointed to fill a casual vacancy shall hold office only until the next scheduled AGM where appointment of members of CAPP is scheduled to be declared and shall be eligible to stand for election and/or re-appointment in accordance with these regulations.
- A3.6.3 Any period served on CAPP as a casual vacancy shall not count for the purposes of determining the term of office of the individual who has filled the casual vacancy.
- A3.6.4 Where a casual vacancy arises in relation to a regionally-elected position:
- (a) eligibility for the position shall be as described in Regulation A3.3.2
 - (b) the nomination process shall be as described in Regulation A3.3.3
 - (c) if an election is required, the process shall be as described in Regulation A3.3.4.
- A3.6.5 If no valid nomination is received by the returning officer by the date and time specified in the call for nominations, the position shall remain vacant.
- A3.6.6 Where a regionally-elected position remains vacant pursuant to Regulation A3.6.5, the Faculty Board in that region may, at its discretion, recommend an eligible FACEM to the Board for appointment to the position.
- A3.6.7 Any period served on CAPP pursuant to Regulation A3.6.6 shall not count for the purposes of determining the term of office of the individual who has filled the vacancy.

A4 ACEM BOARD

A4.1 President-Elect

A4.1.1 Election of President-Elect

A4.1.1.1 Pursuant to clause 10 of the Constitution, the position of President-Elect is a one (1) year term as an Officer of the College, which transitions to the role of President at the end of the Annual General Meeting held in the year after commencing as President-Elect.

A4.1.1.2 The returning officer for the election of the position of President-Elect will be the College Chief Executive Officer or, should that office be vacant, the individual acting in that position.

A4.1.2 Eligibility Criteria

Nominees for election as President-Elect must, at the time of nomination:

A4.1.2.1 be an ACEM Fellow in active clinical practice;

A4.1.2.2 be currently compliant with all relevant ACEM renewal of Fellowship requirements;

A4.1.2.3 have no financial debts to the College;

A4.1.2.4 hold current medical registration with no suspension, condition(s), restriction(s) or undertakings imposed by a regulatory authority that limits their ability to practise as a specialist emergency medicine physician in Australia or New Zealand;

A4.1.2.5 be a current member of either the ACEM Council of Advocacy, Practice and Partnerships (CAPP) or the ACEM Council of Education (COE);

A4.1.2.6 have served at least two (2) years on CAPP or COE as applicable; and

A4.1.2.7 must not have held office as President or Immediate Past President in the preceding two (2) years.

A4.1.3 Nomination

A4.1.3.1 In years in which a President-Elect is due to take office, a call for nominations will be made.

A4.1.3.2 The nomination form must be signed by the proposer and the seconder and counter signed by the nominee.

A4.1.3.3 Both the proposer and seconder of a nominee must be a Fellow of the College in active clinical practice, be currently compliant with all relevant ACEM renewal of Fellowship requirements and have no financial debts to the College.

A4.1.3.4 A consent to act as a director signed by the nominee must be submitted with the nomination.

A4.1.3.5 The closing date for receipt by the College of nominations shall be not less than 30 days from the date on which the call for nominations is issued.

A4.1.3.6 The nomination, together with all information and other documentation specified in these regulations and on that form must reach the returning officer by the date and time specified in the call for nominations.

A4.1.3.7 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the election.

A4.1.3.8 Following the closing of nominations, the returning officer will determine the number of valid nominations received and, pursuant to Regulation A4.1.3.9, determine whether an election will be held.

A4.1.3.9 If the number of nominations for election as President-Elect is two (2) or greater, an election will be held.

A4.1.4 Election Procedure

A4.1.4.1 Only current ACEM Fellows, including those formally recognised by the College as a Retired Fellow, are eligible to vote in an election for President-Elect.

A4.1.4.2 Fellows, if they elect to vote, may only vote for one (1) candidate.

A4.1.4.3 Voting shall be conducted online through the ACEM eLearning platform, with Fellows provided 21 days in which to vote.

A4.1.4.4 The candidate who receives the most votes shall be declared elected at the Annual General Meeting.

A4.1.4.5 In the event of two or more candidates receiving an equal number of votes, the candidate deemed to have the higher number of votes will be determined by lot drawn by the returning officer.

A4.2 Trainee Representative

A4.2.1 Pursuant to clause 8 of the Constitution, the membership of the Board includes one (1) trainee representative.

A4.2.2 Election Schedule

A4.2.2.1 Elections for the position of trainee representative shall be held every two (2) years in the years in which a President-Elect is due to be elected prior to the Annual General Meeting (AGM) to be held in November in that year and in sufficient time for the outcome of the election to be announced at the AGM.

A4.2.2.2 The returning officer for the election of the trainee representative will be the College Chief Executive Officer or nominee, or, should that office be vacant, the individual acting in that position.

A4.2.2.3 Where there are two (2) or more valid nominations for the position, an election shall be held.

A4.2.2.4 Following the close of nominations, should an election required, all trainees currently enrolled in the Specialist (FACEM) Training Program shall be eligible to vote.

A4.2.3 Eligibility Criteria

Nominees for election as trainee representative on the Board must, at the time of nomination:

A4.2.3.1 be enrolled in the Specialist (FACEM) Training Program; and

A4.2.3.2 have no financial debts to the College.

A4.2.4 Nomination

- A4.2.4.1 In years in which election of a trainee representative on the Board is due to take office, a call for nominations will be made.
- A4.2.4.2 The nomination form must be signed by the proposer and the seconder and counter signed by the nominee.
- A4.2.4.3 Both the proposer and seconder of a nominee must be trainees enrolled in the Specialist (FACEM) Training Program.
- A4.2.4.4 Eligible trainees may propose themselves for election.
- A4.2.4.5 A consent to act as a director signed by the nominee must be submitted with the nomination.
- A4.2.4.6 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for nominations is issued.
- A4.2.4.7 The nomination, together with all information and other documentation specified in these regulations and on that form must reach the returning officer by the date and time specified in the call for nominations.
- A4.2.4.8 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the election.
- A4.2.4.9 Following the closing of nominations, the returning officer will determine the number of valid nominations received and, pursuant to Regulation A4.2.4.10, determine whether an election will be held.
- A4.2.4.10 If the number of nominations for election is two (2) or greater, an election for the position will be held.

A4.2.5 Election Procedure

- A4.2.5.1 Only trainees currently enrolled in the Specialist (FACEM) Training Program are eligible to vote in an election for trainee representative on the Board.
- A4.2.5.2 Trainees, if they elect to vote, may only vote for one (1) candidate.
- A4.2.5.3 Voting shall be conducted in the manner determined by the returning officer, with trainees provided 14 days in which to vote.
- A4.2.5.4 The candidate who receives the most votes shall be declared elected at the Annual General Meeting.
- A4.2.5.5 In the event of two or more candidates receiving an equal number of votes, the candidate deemed to have the higher number of votes will be determined by lot drawn by the returning officer.

A4.2.6 Termination of Office

- A4.2.6.1 In addition to the circumstances outlined in clause 8.4.1 of the Constitution the office of trainee representative becomes vacant if the individual so appointed:
 - (a) formally withdraws from the FACEM Training Program;
 - (b) is removed from the FACEM Training Program pursuant to Regulation B2.7; or
 - (c) is elected to Fellowship.

A4.3 Representational Membership

A4.3.1 Bi-National Membership

A4.3.1.1 Pursuant to clause 8.1.9 of the Constitution, the composition of the Board must include at least one member from both Australia and New Zealand.

A4.3.1.2 Where the membership of the Board comprises members resident in only one (1) country, one (1) additional member shall be elected and appointed to the Board pursuant to these regulations.

A4.3.1.3 Any member appointed to the Board pursuant to this regulation shall hold office until:

- a) the date of the next Annual General Meeting following their appointment; or
 - b) a member(s) appointed to the Board to fill a casual vacancy resides in the country of the national member; or
 - c) a current member of the Board becomes resident in the country of the national member,
- whichever is the sooner.

A4.3.2 Election of a National Member

A4.3.2.1 The returning officer for the election of a national member will be the College Chief Executive Officer or, should that office be vacant, the individual acting in that position.

A4.3.2.2 Any period served on the Board as a national member pursuant to these regulations shall not count for the purposes of determining the term of office of the individual who has filled the position.

A4.3.3 Eligibility Criteria

Nominees for election as a national member must, at the time of nomination:

A4.3.3.1 be a current member of an ACEM Regional Faculty Board in the country not otherwise represented in the membership of the Board;

A4.3.3.2 reside in the country not otherwise represented in the membership of the Board;

A4.3.3.3 be an ACEM Fellow in active clinical practice;

A4.3.3.4 be currently compliant with all relevant ACEM renewal of Fellowship requirements;

A4.3.3.5 have no financial debts to the College; and

A4.3.3.6 hold current medical registration with no suspension, condition(s), restriction(s) or undertakings imposed by a regulatory authority that limits their ability to practise as a specialist emergency medicine physician in Australia or New Zealand.

A4.3.4 Nomination by Faculty Boards

A4.3.4.1 Where the composition of the Board requires the appointment of a national member pursuant to clause 8.1.9 of the Constitution, a call for nominations will be made from the following as relevant:

- (a) the New Zealand Faculty Board where a New Zealand member of the Board is required to be appointed; or

(b) the Faculty Boards representing Australian states and/or territories where an Australian member of the Board is required to be appointed.

- A4.3.4.2 For the purposes of nomination for appointment to the Board, each Regional Faculty pursuant to A4.3.4.1 (a) or (b) will provide only one (1) nomination to the Board for appointment. Where the appointment to be made is for a Board member resident in Australia, all nominations received from Australian state and/or territory Regional Faculty Boards will be provided to the ACEM Board and an appointment will be made from those nominees.
- A4.3.4.3 A call for nominations from the Regional Faculty Board(s) will be made by the Returning Officer.
- A4.3.4.4 Nominations must be made on the prescribed nomination form, which must be signed by the proposer and the seconder and counter signed by the nominee.
- A4.3.4.5 The proposer and the seconder must be a member of the same Faculty Board in which the nominee resides. Both must be Fellows of the College in active clinical practice, be currently compliant with all relevant ACEM renewal of Fellowship requirements and have no financial debts to the College.
- A4.3.4.6 A consent to act as a director signed by the nominee must be submitted with the nomination.
- A4.3.4.7 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for nominations is issued.
- A4.3.4.8 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the election.
- A4.3.4.9 Following the closing of nominations, the returning officer will determine the number of valid nominations received from each Regional Faculty Board and, pursuant to Regulation A4.3.4.10, determine whether an election will be held.
- A4.3.4.10 If the number of nominations for appointment as national member from any Regional Faculty Board is two (2) or greater, an election will be held in order to determine the single nomination from the Regional Faculty Board to be forwarded to the Board pursuant to Regulation A4.3.4.2.

A4.3.5 Election Procedure

- A4.3.5.1 Only current voting members of the current relevant Regional Faculty Board are eligible to vote in an election for that Faculty Board's nomination.
- A4.3.5.2 Regional Faculty Board members, if they elect to vote, may only vote for one (1) candidate.
- A4.3.5.3 Voting shall be conducted online through the ACEM eLearning platform or such other mechanism as determined by the returning officer, with Regional Faculty Board members provided 14 days in which to vote.
- A4.3.5.4 The candidate who receives the most votes shall be declared elected and shall be the nominee from the relevant Regional Faculty Board to be forwarded to the ACEM Board for appointment or for consideration for appointment as applicable, as the national member pursuant to Regulation A4.3.6.
- A4.3.5.5 In the event of two (2) or more candidates from a Regional Faculty Board receiving an equal number of votes, the candidate deemed to have the higher number of votes will be determined by lot drawn by the returning officer.

A4.3.6 Appointment by the Board

- A4.3.6.1 Nominations from the relevant Regional Faculty Board(s) for appointment to the ACEM Board as a national member will be advised to the Board. The Board must accept any nomination advised to it by the returning officer pursuant to these Regulations.
- A4.3.6.2 Where the Board is required to appoint a national member pursuant to 4.3.4.1(a), that nominee will be appointed to the ACEM Board and so advised.
- A4.3.6.3 Where the Board is required to appoint a national member pursuant to 4.3.4.1(b), and where a nomination has been submitted by more than one Regional Faculty Board representing an Australian state and/or territory, an election will be held, either through the ACEM eLearning platform or such other mechanism as determined by the returning officer, with Board members provided 14 days in which to vote, or at a scheduled meeting of the Board.
- A4.3.6.4 Where an election is required, Board members may only vote for one (1) nominee, with the nominee who obtains the highest number of votes being declared appointed by the Board. Where two (2) or more nominees obtain an equal number of highest votes, a second ballot will be conducted to determine an elected candidate from those who obtained the equal number of highest votes. Only one (1) such additional ballot will be conducted, with the candidate deemed to have the higher number of votes then being determined by a drawing of lots by the returning officer.
- A4.3.6.5 The nominee elected shall be appointed to the ACEM Board and so advised.

A4.4 Appointments from the Fellowship

A4.4.1 Appointment of Fellows (non-Officers)

- A4.4.1.1 Pursuant to clause 8.1.5 of the Constitution, the membership of the ACEM Board includes up to two (2) Fellows of the College in non-Officer positions.
- A4.4.1.2 Board positions filled pursuant to clause 8.1.5 of the Constitution are made by appointment by the Board following recommendation from the Board Nominations Committee for a two-year term commencing at the Annual General Meeting in the year of appointment to the date of the Annual General Meeting two years hence.
- A4.4.1.3 Board positions filled pursuant to clause 8.1.5 of the Constitution and made following revisions to the Constitution passed by the Fellowship in June 2019 to establish the appointments referred to in Regulation A4.4.1.1 (above), shall be deemed casual vacancies for the period ending at the Annual General Meeting to be held in November 2019 and the individuals appointed to such positions shall, at the absolute discretion of the ACEM Board, be eligible for appointment for the period commencing at the Annual General Meeting to be held in November 2019.

A4.4.2 Eligibility Criteria

Nominees for appointment to the ACEM Board pursuant to clause 8.1.5 of the Constitution must, at the time of application through an Expression of Interest:

- A4.4.2.1 be an ACEM Fellow in active clinical practice;
- A4.4.2.2 be currently compliant with all relevant ACEM renewal of Fellowship requirements;
- A4.4.2.3 have no financial debts to the College;

A4.4.2.4 hold current medical registration with no suspension, condition(s), restriction(s) or undertakings imposed by a regulatory authority that limits their ability to practise as a specialist emergency medicine physician in Australia or New Zealand; and

A4.4.2.5 not be otherwise ineligible pursuant to the provision of these regulations or the Constitution.

A4.4.3 Application

A4.4.3.1 In years in which the term of office of any member(s) of the Board appointed pursuant to clause 8.1.5 is due to end, a call for Expressions of Interest from eligible Fellows will be made.

A4.4.3.2 A duly completed Expression of Interest form and all required supporting documents as specified by the College must be submitted to the College Chief Executive Officer by the closing date and time specified by the College.

A4.4.3.3 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for Expressions of Interest is issued.

A4.4.3.4 Expressions of Interest received after the date and time specified in the call for Expressions of Interest will not be considered as valid for the purposes of determining Expressions of Interest for consideration for appointment.

A4.4.3.5 Following the closing of the call for Expressions of Interest, the Chief Executive Officer will determine the number of valid Expressions of Interest received.

A4.4.3.6 Where the number of valid Expressions of Interest received is not equal to or greater than the number of positions available under these regulations, the Chief Executive Officer may determine to extend the call for Expressions of Interest by no more than a period of fourteen (14) days.

A4.4.3.7 The period available for submissions of Expressions of Interest may only be extended once pursuant to Regulation A4.4.3.6.

A4.4.3.8 Where the call for Expressions of Interest is extended pursuant to Regulation A4.4.3.6, at the date and time of the end of the extended period, the Chief Executive Officer will determine the number of valid Expressions of Interest received and arrange for distribution of these to members of the Board Nominations Committee.

A4.4.3.9 Where no valid Expressions of Interest have been received or only one valid Expression of Interest has been received following a call for applications and/or an extension pursuant to Regulation A4.4.3.6, both the Board Nominations Committee and the Board will be advised, and the Board, in its absolute discretion, will determine whether to require that a further call for Expressions of Interest be made, or resolve to not fill the position(s) and declare a casual vacancy(ies) to exist following the conduct of the next scheduled Annual General Meeting.

A4.4.4 Board Nominations Committee

A4.4.4.1 The Board will establish a Board Nominations Committee for the purpose of considering Expressions of Interest received for Board positions pursuant to these regulations A4.4.

A4.4.4.2 The Board Nominations Committee will be constituted and operate according to these regulations and as specified elsewhere in Terms of Reference and any other relevant College documents.

- A4.4.4.3 Appointments to the Board Nominations Committee made by the Board or any group to which this task is delegated by the Board will be final and are not open to reconsideration, review or appeal under the College's *Reconsideration, Review and Appeals Policy*.
- A4.4.4.4 Following the determination of valid Expressions of Interest pursuant to Regulation A4.4.3.5 and/or A4.4.3.8, a meeting of the Board Nominations Committee will be convened to consider those Expressions of Interest, for the purpose of formulating recommendation(s) to the ACEM Board of individual(s) considered most suitable for appointment to the available position(s).
- A4.4.4.5 In making recommendations to the Board, the Board Nominations Committee will make available to the Board the full content of the Expression(s) of Interest received from the recommended applicant(s), along with a summary outlining why the Committee is making the recommendation(s) in question.
- A4.4.4.6 Where the Committee, for whatever reason, is unable to distinguish between two (2) or more candidates in order to make a definitive recommendation for an individual position(s), this will be communicated to the Board, along with all relevant documentation relating to the applicants concerned, to enable the Board to determine the appointment(s) in question.
- A4.4.4.7 The Board has absolute discretion in determining whether or not to accept any recommendation(s) made by the Board Nominations Committee.
- A4.4.4.8 Decisions of the Board in relation to these matters are final and are not open to reconsideration, review or appeal under the College's *Reconsideration, Review and Appeals Policy*.
- A4.4.4.9 The Board will consider recommendations from the Board Nominations Committee in a timely manner. Where the Board accepts recommendation(s) from the Committee, the Committee will be advised and all applicants advised in writing by the Chief Executive Officer of the outcome. Such correspondence will convey the outcome of the application, and does not require accompanying reasons as to the outcome of the application.
- A4.4.4.10 No applicant will be advised of the outcome of any application under these regulations until the Board has made a final decision in relation to appointments associated with the call for Expressions of Interest and any applicant(s) made an offer of appointment have determined and advised the College through the Chief Executive Officer, whether or not they accept the appointment.
- A4.4.4.11 Where the Board Nominations Committee is of the view that, on the basis of consideration of Expressions of Interest received, no applicant is suitable for appointment, this will be communicated to the Board through the Chief Executive Officer. The Board, in its absolute discretion, will determine whether to reconsider all valid Expressions of Interest (and the mechanism for this), require that a further call for Expressions of Interest be made, or resolve to not fill the position(s) and declare a causal vacancy(ies) to exist following the conduct of the next scheduled Annual General Meeting.

A5 PATHWAY TO FELLOWSHIP REVIEW COMMITTEE

A5.1 Purpose and Functions

The Pathway to Fellowship Review Committee (PFRC) shall support the Council of Education (COE) by considering matters relating to individuals who have invoked conditions described by College regulations that render them liable for removal from progression to election to Fellowship of the College. Such matters will normally be referred to the PFRC by a COE Committee that will have previously considered the matter prima facie for the existence of exceptional circumstances warranting a granting of special consideration.

In the context of the functions of the PFRC, individuals whose circumstances may be considered by the Committee include trainees working toward Fellowship of ACEM through the Specialist (FACEM) Training Program and Specialist International Medical Graduates (SIMGs) assessed by the College and working towards eligibility for election to Fellowship.

A5.2 Procedures Relating to Referrals and Meetings of the Pathway to Fellowship Review Committee

A5.2.1 An individual shall be referred to the PFRC where they have breached College regulation/s or other conduct has occurred that has the consequence of removal from a pathway to Fellowship of the College and where the responsible College body has determined prima facie, following consideration of any written submission from the individual concerned, that grounds do not exist for granting special consideration on the basis of exceptional circumstances or that while grounds may exist, relief is not warranted in the entirety of the circumstances.

A5.2.2 The coordinator of the body responsible for making the prima facie determination referred to in Regulation A5.2.1 will notify the Chief Executive Officer in writing of the decision of the body in question through provision of a copy of the correspondence being sent to the individual advising of the decision.

Upon receipt of this correspondence the Chief Executive Officer shall arrange for a meeting of the PFRC to be held pursuant to its Terms of Reference and, once determined, shall, with at least 21 days' notice, advise the individual whose circumstances are to be the subject of consideration by the PFRC and notify the Chair of the original decision making body of the following:

- (a) the intention of the PFRC to consider the matter;
- (b) the time, date and place of the meeting;
- (c) the composition of the Committee to consider the matter;
- (d) particulars of the nature of the matter under consideration; and
- (e) that the individual and Chair (or representative) of the original decision making body may provide written submissions to the PFRC and that they may attend and give oral submissions at the meeting in respect of the matter.

The individual and the Chair will be advised that in addition to those documents already submitted to the body responsible for making the prima facie determination, they may provide additional written submissions to the PFRC. All written submissions and copies of any documents and records upon which they wish to rely must be lodged with the PFRC not less than ten (10) days prior to the meeting. Additional information provided after that time will only be considered if the Chair of the PFRC considers that the material is of significance to the matter being considered. In the case of further material from the original decision making body, the individual concerned will be provided with copies for review and comment as soon as reasonably practicable.

- A5.2.3 At least seven (7) days prior to the meeting of the PFRC, the Chief Executive Officer shall organise to have distributed to the Committee and the individual whose circumstances are being considered, any materials lodged by the individual or by the College body from which the matter was referred, and on which the PFRC will rely for its considerations.
- A5.2.4 At the meeting of the PFRC held to consider the matter, the individual concerned shall be given an opportunity to be heard, and the Committee shall give due consideration to any written or oral submissions made by the individual. The individual may be accompanied by another person, but shall not be entitled to have an advocate or be legally represented before the PFRC, unless the Committee, through the Chair, has given its prior consent.
- A5.2.5 As far as is possible, proceedings of the PFRC shall be confidential, except for the reporting of progress, appropriate reporting to the parties involved, and reporting of the decision and reasons to COE and the Board.
- A5.2.6 The PFRC is not bound by the rules of evidence and, subject to the rules of natural justice and procedural fairness, may inform itself on any matter and in such manner as it thinks fit. Any information which is material to the matter under consideration shall be disclosed to the individual, and the individual shall be given sufficient opportunity to make submissions in relation to that information.
- A5.2.7 The PFRC shall be entitled to consider all relevant information which it thinks fit and may invite any person to appear before it or to provide information.
- A5.2.8 The PFRC shall conduct its affairs with as little formality as possible, but otherwise, subject to these regulations and relevant Terms of Reference, shall have full power to regulate its conduct and operation, including convening, adjourning and recording any meeting as it may require.
- A5.2.9 In considering any matter referred to it, the PFRC shall act as expeditiously as the circumstances permit and shall, as nearly as possible, observe the provisions for proceedings and procedures relating to the Committee and set out in these regulations and/or other relevant College documents.
- A5.2.10 The PFRC may make its own enquiries and seek legal or other professional advice in relation to any matter under consideration.

A5.3 Decisions of the Pathway to Fellowship Review Committee

- A5.3.1 The PFRC will make one of the following recommendations to COE:
- (a) That, on the basis of the materials presented to it, the individual be permitted to remain in the program in question, subject to any specific conditions that the Committee may identify.
 - (b) That, on the basis of the materials presented to it, the individual be removed from the program in question.
- A5.3.2 The recommendation to COE must be accompanied by a document that summarises the matter/s considered by the PFRC and which outlines clearly the nature of the information on which the Committee based its deliberations, including any relief previously afforded to the individual in relation to any involved exceptional circumstance(s), and the reasons for its recommendation.
- A5.3.3 Upon ratification or rejection of the PFRC's recommendation by COE, the Censor-in-Chief will notify the individual in writing of the decision, and reasons for the decision, within seven (7) days of COE having made a decision in relation to a recommendation of the PFRC forwarded to it. Such notification will include information on the individual's right of appeal according to the College's *Reconsideration, Review and Appeals Policy*, noting that the avenues of reconsideration and review are not available to them by virtue of the matter having been considered by the PFRC.

A5.3.4 Where determinations made by the PFRC in respect of matters considered under these regulations have implications for College policies and/or processes that are the responsibility of any College committee or other entity, the determination in de-identified form and summary reasons may, at the discretion of the CEO, be conveyed to the Chair of any such relevant committee or entity, the Chair of the Council of Education, as well as the senior staff member of the College department responsible for the coordination of the applicable committee or entity for the purposes of revising and improving relevant College policies and processes. The Chair of the committee or other entity may choose to share the determination and summary reasons for the decision with members of the relevant group(s) for this purpose.

A6 SUSPENSION AND REMOVAL OF OFFICE HOLDERS, GOVERNING BODY AND ENTITY MEMBERS, AND COLLEGE REPRESENTATIVES

A6.1 Definitions and Interpretation

A6.1.1 In this regulation, Regulation A6:

A6.1.1.1 “Constitution” means the Constitution of the Australasian College for Emergency Medicine for the time being in force.

A6.1.1.2 “Person” includes:

- (a) a Fellow or member;
- (b) an Honorary Fellow;
- (c) a member of any committee, subcommittee, working group or other entity of the College (or the Faculties) or of the Board;
- (d) the holder of any position or Officer of the College including supervisors, assessors and examiners;
- (e) any person otherwise engaged by or for the College, of any Board, Committee, Faculty, Division, Section or Grouping of or within the College appointed to represent the College.

A6.1.1.3 “Office” and “Position” include any office or position with the Faculties;

A6.1.1.4 “Regulations” means these Regulations, as may be in force for the time being.

A6.1.2 Unless the contrary intention appears in these Regulations:

A6.1.2.1 where a word or phrase is defined in the Constitution the word or phrase has the same meaning throughout these Regulations;

A6.1.2.2 words importing the singular include the plural, and words importing the plural include the singular; and

A6.1.2.3 words used to denote persons generally or importing a natural person include any company, corporation, body corporate or other body (whether or not the body is incorporated).

A6.1.3 In these Regulations, headings and boldings are for convenience only and do not affect its interpretation.

A6.1.4 In the event of an inconsistency between these Regulations and the Constitution, the Constitution will prevail to the extent of the inconsistency.

A6.2 Guidelines for the Suspension and Termination of Any Office or Position

A6.2.1 The Board may, at its discretion, suspend the office or position of a Person or remove a Person from any office or position if:

A6.2.1.1 the Person has failed to comply with the Constitution and any Regulations or policies of the College, or failed to support the objects of the College;

A6.2.1.2 the Person has failed to perform the duties of the office or position of the Person (whether evidenced by failure to attend meetings for a substantial period or otherwise) or failed to comply with any policy of the College applicable to the office or the position.

- A6.2.1.3 any rights, privileges or obligations conferred upon the Person have been abused;
 - A6.2.1.4 the Person has been charged and/or is convicted of any serious offence;
 - A6.2.1.5 the Board believes that a complaint or charge of a serious nature is made or issued by any medical board, medical tribunal, registration authority or similar body against the person;
 - A6.2.1.6 the Person has engaged in, or been a party to:
 - (a) unprofessional or unbecoming conduct;
 - (b) conduct which is inconsistent with a Person's fellowship or membership or the office or position held;
 - (c) conduct which is prejudicial, adverse or damaging to the interests of the College; or
 - (d) conduct which conflicts with the interests, objects or affairs of the College;
 - A6.2.1.7 the Board reasonably believes that the Person poses a threat or risk to the community;
 - A6.2.1.8 any materials or evidence upon which any decision to appoint the Person to the office or position are considered to be false or misleading;
 - A6.2.1.9 the Person becomes bankrupt or makes any arrangement or compositions with his or her creditors generally;
 - A6.2.1.10 the Person becomes prohibited from being a director of a company by reason of any order made under a law of a state, territory or the Commonwealth of Australia or New Zealand;
 - A6.2.1.11 the Person is charged with or is found to be guilty of an offence under, or in breach of, any code, regulation or enactment which applies to the Person as a practising specialist or medical practitioner; or
 - A6.2.1.12 if the Person, not being an Honorary Member, is required to be registered and ceases to be entered on any register of Medical Practitioners by a Medical Registration Authority recognised by the Board for that purpose, of a state or territory of Australia or New Zealand or has conditions imposed on such registration, other than:
 - (a) in circumstances of voluntary cessation of registration upon retirement from the practice in medicine; or
 - (b) with the prior approval of the Board.
- A6.2.2 If the Board decides to suspend the membership of a Person, the period of suspension shall be for a period the Board deems fit or appropriate having regard to the circumstances.

A6.3 Application for Reinstatement of Office or Position

- A6.3.1 Any Person who's office or position is suspended or has been removed, may apply to have such suspension lifted or to be reappointed.
- A6.3.2 At the time of making an application, the applicant must:
 - A6.3.2.1 provide the Board with a written statement that:
 - (a) includes a detailed account of the relevant conduct and practice of the applicant since the time of suspension or removal;
 - (b) specifies any mitigating circumstances;

- (c) if relevant, specify any punishment imposed by any Court or other regulatory body, together with its secondary effects, in connection with the offence, event or matter to which the suspension related;
- (d) if relevant, is supported by evidence of remorse, contrition and acceptance of responsibility for the offence, event or matter to which the suspension related; and
- (e) states why, in the applicant's opinion, the suspension should be lifted or the applicant should be reappointed; and
- (f) such other information as the Board may require.

A6.3.3 The Board may:

A6.3.3.1 convene, or seek to convene, a meeting with any applicant. Any such meeting shall be held and conducted on such terms and conditions as the Board determines from time to time; and/or

A6.3.3.2 notify an applicant of the grounds upon which their application has been rejected or accepted.

A6.3.4 If the Board convenes a meeting pursuant to clause 3.3.1, the Board must:

A6.3.4.1 give the applicant an opportunity to be heard; and

A6.3.4.2 give due consideration to any written statement submitted by the applicant.

A6.3.5 The decision of the Board in connection with an application will be final, conclusive and binding.

A6.4 Warning Letter

A6.4.1 Without being obliged to do so, the Board may issue a warning letter to a Person, containing such terms as the Board determines from time to time.

A6.4.2 Without limitation, a warning letter may identify concerns the Board has about a Person's conduct, or events or circumstances that have come to the attention of the Board which may give rise to a Person's office or position being suspended in accordance with the Constitution or these Regulations.

A6.4.3 The issuing of a letter by the Board will not:

A6.4.3.1 require the Board to take any further action or do anything; or

A6.4.3.2 prejudice the rights of the Board or the College in respect of any action, step, claim or demand made in connection with the termination or suspension of the membership, employment or office or the position of a Person.

A6.5 Appeal

A6.5.1 Any decision of the Board under these Regulations may be subject to appeal under the College's *Reconsideration, Review and Appeals Policy*.

A6.6 Not Apply to Members of Board or Employment

A6.6.1 The powers of the Board under these Regulations do not apply to:

A6.6.1.1 the position of a Person as a member of the Board of the College; or

A6.6.1.2 the employment of a Person by the College;

but nothing in these Regulations affect or shall prejudice any other powers or functions of the College in relation to such matters.

A6.7 Powers under the Constitution

A6.7.1 These Regulations do not limit, vary or revoke any power or authority conferred on the Board, or any committee or branch of the Board, under the Constitution or at law.

A7 REGIONAL FACULTIES

A7.1 Establishment

A7.1.1 The College has established the following regional faculties:

- New Zealand
- the Australian Capital Territory
- the State of New South Wales
- the Northern Territory
- the State of Queensland
- the State of South Australia
- the State of Tasmania
- the State of Victoria
- the State of Western Australia

A7.1.2 Regional faculties report to the Council of Advocacy, Practice and Partnerships (CAPP).

A7.1.3 Each regional faculty shall have a regional faculty board that is responsible for conducting the business of that faculty.

A7.2 Regional Faculty Membership

A7.2.1 The membership of each regional faculty comprises ACEM Fellows, including retired Fellows, residing in that region.

A7.3 Regional Faculty Boards

A7.3.1 Faculty Board Membership

A7.3.1.1 The membership of each regional faculty board comprises:

- (a) Ex-officio members, being:
- all FACEM members of the ACEM Board resident in the region (if any)
 - all FACEM members of CAPP resident in the region
 - the Regional Censor and/or Regional Deputy Censor resident in the region (if any)
 - the trainee member of the ACEM Board resident in the region (if applicable)
 - the Trainee Committee member who resides in the region
- (b) up to four (4) 'ordinary' FACEM members resident in the region.

Where none of the members of a Faculty Board appointed pursuant to (a) or (b) above identifies as Aboriginal and/or Torres Strait Islander (Australia) or is Māori (New Zealand), one (1) such additional FACEM member may be co-opted to the membership.

A7.3.2 Office Bearers

A7.3.2.1 Each faculty board shall have a Chair and a Deputy Chair, who shall be the faculty board's office bearers.

A7.3.2.2 The Chair and Deputy Chair shall be nominated by the faculty members from the ex-officio FACEM and 'ordinary' membership of the faculty board for appointment by the CAPP.

A7.3.2.3 The Deputy Chair shall act in the place of the Chair during any temporary absence.

A7.3.2.4 In addition to chairing faculty board meetings, the Chair shall be responsible for ensuring that a faculty board's corporate knowledge is properly preserved and enhanced, and that appropriate liaison with wider College entities and staff is maintained in order to facilitate College strategic priorities and administrative requirements.

A7.3.3 Termination of Office

A7.3.3.1 If a faculty board member appointed pursuant to Regulation A7.3.1.1(b) is elected to a position on the ACEM Board, his/her position as an 'ordinary' member of the faculty board shall thereupon become vacant.

A7.3.3.2 If a faculty board member appointed pursuant to Regulation A7.3.1.1(b) is absent from two or more consecutive meetings or greater than 50 per cent of meetings in any calendar year without the leave of the Chair, CAPP may declare his/her position vacant.

A7.3.3.3 If a faculty board member ceases to meet the eligibility requirements for membership pursuant to this regulation, his or her position as a member of the faculty board shall thereupon become vacant.

A7.3.3.4 If during the term for which a faculty board member was elected, a faculty board member appointed pursuant to Regulation A7.3.1.1(b) relocates permanently to a region other than that to which they were elected to represent, his or her position as a member of the regional faculty board shall thereupon become vacant.

A7.3.3.5 If a faculty board member retires from active practice in accordance with Regulation A1.3, his or her position as a member of a faculty board shall thereupon become vacant.

A7.3.4 Duration of Office

A7.3.4.1 Ex officio faculty board members shall hold office for the duration of their appointment to the position which gave rise to their ex-officio membership of the faculty board.

A7.3.4.2 Faculty board members appointed pursuant to Regulation A7.3.1.1(b) shall hold office for a period of two (2) years from the date of the AGM at which they are elected or appointed, at which time they may nominate for reappointment, provided that they continue to meet eligibility requirements.

A7.3.4.3 Faculty board members appointed pursuant to Regulation A7.3.1.1(b) may serve a maximum of three (3) successive two-year terms on any single regional faculty board in that capacity, provided that they continue to meet eligibility requirements.

A7.3.4.4 Faculty board members appointed pursuant to Regulation A7.3.1.1(b) who have served the maximum allowable period may be eligible for reappointment following a period of two (2) years absence from the regional faculty board.

A7.3.5 Casual Vacancies

A7.3.5.1 A casual vacancy shall arise where a member of a faculty board appointed pursuant to Regulation A7.3.1.1(b) resigns, is removed from, or otherwise ceases to be a member of the faculty board, other than through retirement at the end of his or her term.

A7.3.5.2 Any member of a faculty board appointed to fill a casual vacancy that has arisen in relation to a member appointed pursuant to Regulation A7.3.1.1(b) shall hold office only until the next scheduled AGM where appointment of members of CAPP is scheduled to be declared and shall be eligible to stand for election and/or re-appointment in accordance with these regulations.

- A7.3.5.3 Any period served on a faculty board as a casual vacancy shall not count for the purposes of determining the term of office of the individual who has filled the casual vacancy.
- A7.3.5.4 Where a casual vacancy arises in relation to a position on a faculty board pursuant to this regulation:
- (a) eligibility for the position shall be as described in Regulation A7.4.2
 - (b) the nomination process shall be as described in Regulation A7.4.3
 - (c) if an election is required, the process shall be as described in Regulation A7.4.4.3.
- A7.3.5.5 If no valid nomination is received by the returning officer by the date and time specified in the call for nominations, the position shall remain vacant.
- A7.3.5.6 Where a position remains vacant pursuant to Regulation A7.3.5.5, the faculty board may, at its discretion, recommend an eligible FACEM to CAPP for appointment to the position.
- A7.3.5.7 Any period served on a faculty board pursuant to Regulation A7.3.5 shall not count for the purposes of determining the term of office of the individual who has filled the vacancy.

A7.4 Election of Regionally-Elected FACEM Members of Faculty Boards

A7.4.1 Election Schedule

- A7.4.1.1 Elections for faculty board members appointed pursuant to Regulation A7.3.1.1(b) shall be held every two (2) years in years in which a President-Elect takes office as President prior to the Annual General Meeting (AGM) to be held in November in that year, and subsequent to the election of regional members of CAPP.
- A7.4.1.2 The returning officer for the election of regional faculty board members will be the College Chief Executive Officer or nominee, or, should that office be vacant, the individual acting in that position.

A7.4.2 Eligibility Criteria

Nominees for election as a regional faculty board member must, at the time of nomination:

- A7.4.2.1 be an ACEM Fellow in active clinical practice, residing in the region for which they wish to serve on the faculty board;
- A7.4.2.2 be currently compliant with all relevant ACEM renewal of Fellowship requirements;
- A7.4.2.3 have no financial debts to the College; and
- A7.4.2.4 hold current medical registration with no suspension, condition(s), restriction(s) or undertaking(s) imposed by a regulatory authority that limits their ability to practise as a specialist emergency medicine physician in Australia or New Zealand.

A7.4.3 Nomination

- A7.4.3.1 In years in which elections of regional faculty board members are due to occur, a call for nominations will be made.
- A7.4.3.2 Eligible FACEMs may nominate (propose) themselves for election as a regional faculty board member.
- A7.4.3.3 The proposer and seconder of a nominee must be a FACEM member of the relevant regional faculty.

- A7.4.3.4 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for nominations is issued.
- A7.4.3.5 The nomination, together with all information and other documentation specified in these regulations and on that form, must reach the returning officer by the date and time specified in the call for nominations.
- A7.4.3.6 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the applicable election.
- A7.4.3.7 Following the closing of nominations, the returning officer will determine the number of valid nominations received and, pursuant to Regulation A7.4.3.8, determine whether an election will be held.
- A7.4.3.8 If the number of nominations for election in any region is four (4) or greater, an election will be held. If there is four (4) or fewer valid nominations for a particular region(s), those person(s) shall be deemed elected to the faculty board for the region in question.

A7.4.4 Election Procedure

- A7.4.4.1 Only current ACEM Fellows resident in the relevant region, including those formally recognised by the College as a Retired Fellow, are eligible to vote in an election to appoint regional faculty board members.
- A7.4.4.2 Fellows, if they elect to vote, may only vote for a maximum of four (4) candidates.
- A7.4.4.3 Voting shall be conducted in the manner determined by the returning officer, with Fellows provided 14 days in which to vote.
- A7.4.4.4 The candidates, to a maximum of four (4), who receive the highest number of votes shall be forwarded to CAPP for formal appointment.
- A7.4.4.5 In the event of two (2) or more candidates receiving an equal number of votes and where appointment of both would result in greater than four (4) elected members, the candidate deemed to have the higher number of votes will be determined by a drawing of lots.

A7.5 Regional Faculty Meetings

- A7.5.1 Each regional faculty shall hold at least one meeting of the faculty's membership annually.
- A7.5.2 An additional meeting(s) of a regional faculty may be held when the faculty board deems it necessary or appropriate and appropriate finances are available for this purpose.
- A7.5.3 The Faculty Board Chair shall preside at meetings. In his or her absence, the Deputy Chair shall assume the role of Chair and preside over the meeting.
- A7.5.4 The transaction of business at a regional faculty meeting requires a quorum of at least 50% of the faculty board members, including the Chair, or, in their absence, the Deputy Chair. Non-voting members do not contribute to the determination of a quorum based on those present.
- A7.5.5 Each regional faculty shall keep accurate and proper records and minutes of its meetings. The minutes shall include:
- attendance
 - details of any declared conflict of interest through the Register of Interests maintained for the entity, or declared in relation to specific matters in the course of the meeting
 - details of the matters discussed at the meeting

- the outcome of any resolution relevant to the discussion (including, specifically, the nature of any recommendation(s) to be made to CAPP), including the result of any vote taken on the matter
- any action(s) arising from matters discussed at the meeting.

A7.6 Faculty Board Meetings

Subject to these and any other applicable regulations and policies, each faculty board has authority to regulate its meetings as it thinks fit.

A7.6.1 Frequency of Meetings

A7.6.1.1 Meetings of faculty boards shall be held as often as required, but each faculty board will meet at least once a year.

A7.6.2 Meeting Attendance

A7.6.2.1 Faculty board members should attend meetings whenever possible. Members should notify the chair beforehand if they are unable to attend a scheduled meeting. A faculty board member who cannot attend two (2) or more consecutive meetings must seek, in writing, prior leave of absence from the chair.

A7.6.2.2 Pursuant to Regulation A2.2.4.2, the position of a member of a faculty board may be declared vacant if the member is absent from two (2) or more consecutive meetings or greater than 50 per cent of meetings in any calendar year without the leave of the chair of the faculty board.

A7.6.3 Chair at Meetings

A7.6.3.1 The faculty board chair shall preside at meetings. In his or her absence, the Deputy Chair shall assume the role of Chair and preside over the meeting.

A7.6.4 Quorum

A7.6.4.1 The transaction of business at a faculty board meeting requires a quorum of at least 50% of the faculty board members, including the Chair, or, in their absence, the Deputy Chair. Non-voting members do not contribute to the determination of a quorum based on those present.

A7.6.4.2 Save for any ex-officio member that holds the position of Chair of a faculty board, if they are not actually in attendance, any ex-officio member/s are not required for the purposes of forming a quorum. If they are present, then they shall be taken into account for that purpose.

A7.6.4.3 If at any time during a meeting the quorum is lost (whether because a member has a conflict of interest and cannot vote, has left the meeting or otherwise), a faculty board cannot make a valid decision and may not exercise any of its delegated authority. A faculty board may nevertheless continue the meeting for discussion purposes only or until such time as a quorum is attained.

A7.6.5 Voting

A7.6.5.1 All members of a faculty board shall have voting rights, with the exception of any observers.

A7.6.5.2 Questions arising at a faculty board meeting shall be decided by a majority of the votes cast by members present and entitled to vote on the matter. The Chair of the meeting has a casting vote in addition to a deliberative vote where there is an equality of votes.

A7.6.5.3 Pursuant to Regulation A7.6.4.3, any vote taken on any matter where a quorum was not attained shall not be valid, nor binding.

A7.6.5.4 Questions arising outside of a formally convened meeting of a faculty board may be put by electronic or other means specified by the Chair. In such instances, a motion will be deemed to be carried or defeated when a majority of the members of the faculty board eligible to vote on the matter is achieved in favour or against the motion in the timeframe specified for the vote. Where a vote is not received from any member(s) of a faculty board who are eligible to vote, this shall be considered as an abstention to the question. Where a majority of those eligible to vote is not attained for or against the motion in the timeframe indicated for the vote, the question will be deemed to have been lost.

A7.6.6 Proxies / Alternates / Observers

A7.6.6.1 Other than as allowed in these regulations, faculty board members are unable to appoint a proxy or an alternate to attend any meeting on their behalf.

A7.6.7 Authority of the Chair

A2.6.7.1 Other than in relation to strategic matters, matters requiring decision outside of scheduled meetings may, at the discretion of the faculty board chair, be determined by the chair or by the whole faculty board as required. Matters dealt with by the chair will be tabled at the next meeting of the faculty board.

A7.7 Dissolution and Redistribution

A7.7.1 The ACEM Board may dissolve a regional faculty by resolution of three-fourths of its members where:

A7.7.1.1 a regional faculty has been guilty of conduct detrimental to the interests of the College; or

A7.7.1.2 a redistribution of faculty boundaries and/or structure would be in the best interests of the College and its membership.

A7.7.2 A decision to dissolve a regional faculty pursuant to Regulation A7.7.1 shall not be effective unless:

A7.7.2.1 notice of the resolution to be considered by the Board is provided to the relevant faculty board not less than 14 days prior to the date of the meeting; and

A7.7.2.2 the faculty board has been permitted to make a written submission to the ACEM Board.

A8 SUSPENSION, TERMINATION AND REINSTATEMENT OF MEMBERSHIP

A8.1 Definitions and Interpretation

A8.1.1 In this regulation, Regulation A8:

A8.1.1.1 “Constitution” means the Constitution of the Australasian College for Emergency Medicine for the time being in force.

A8.1.1.2 “Regulations” means these Regulations, as may be in force for the time being.

A8.1.1.3 “member” means a person designated as a 'member' in the ACEM Constitution and associated regulations and, for the purposes of this regulation does not include a trainee.

A8.1.1.4 “membership” means the state of being a member of the College, admitted pursuant to the relevant provisions of the Constitution and associated Regulations.

A8.1.1.5 “Board” means the Board of the Australasian College for Emergency Medicine established pursuant to the provisions of the Constitution and associated regulations.

A8.1.1.6 “trainee” means a trainee in any ACEM training program or a Specialist International Medical Graduate (SIMG) who has been assessed by the College and is working toward meeting the requirements for eligibility for election to Fellowship of the College.

A8.1.1.7 “special resolution” means a resolution passed by a majority of not less than 75% of the eligible voting members of the Board.

A8.1.2 Unless the contrary intention appears in these Regulations:

A8.1.2.1 where a word or phrase is defined in the Constitution the word or phrase has the same meaning throughout these Regulations;

A8.1.2.2 words importing the singular include the plural, and words importing the plural include the singular; and

A8.1.2.3 words used to denote persons generally or importing a natural person include any company, corporation, body corporate or other body (whether or not the body is incorporated).

A8.1.3 In these Regulations, headings and boldings are for convenience only and do not affect its interpretation.

A8.1.4 In the event of an inconsistency between these Regulations and the Constitution, the Constitution will prevail to the extent of the inconsistency.

A8.2 Suspension and Termination of Membership

A8.2.1 Pursuant to clause 4.2.1 of the Constitution, the membership of a member terminates automatically if the member:

(a) resigns in writing;

(b) dies;

(c) fails to pay subscription or other fees; or

(d) has their name removed from the register of any medical or professional authority recognised by the Board (“an Authority”).

- A8.2.2 Pursuant to clause 4.3.1 of the Constitution, the Board may, at any time by special resolution, terminate or suspend the membership of a person if the member:
- (a) ceases to be eligible for admission to membership of the College;
 - (b) refuses or neglects to comply with the provisions of the Constitution or any applicable Regulation;
 - (c) engages in conduct which in the opinion of the Board is unbecoming of members or is prejudicial to the interests of the College;
 - (d) has any condition, restriction or suspension imposed on his or her right to practise by an Authority;
 - (e) is found guilty by a Court of an indictable offence;
 - (f) subject to clause 3.2 and 3.3 of the Constitution, fails to pay any debt due to the College for a period of twelve (12) months after the due date for payment; or
 - (g) becomes a person whose estate or person is liable to be dealt with in any way under the law relating to mental health or disability.

A8.3 Application for Reinstatement to Active Fellowship

- A8.3.1 Pursuant to Regulation A1.3, the membership category of Retired Fellow is a sub-class of FACEM membership.
- A8.3.2 A Retired Fellow requesting reinstatement to Fellowship following a period of retirement must also apply in accordance with this Regulation.

A8.4 Application for Reinstatement of Membership

- A8.4.1 Any member whose membership was terminated pursuant to clause 4.2.1 of the Constitution or whose membership was terminated or suspended by resolution of the Board may apply to have such suspension lifted or be reappointed or reinstated to membership in the applicable category.
- A8.4.2 Without limiting the requirements under the Constitution, an applicant who has been suspended or whose membership was terminated, whether automatically or by resolution of the Board, must, at the time of making an application:
- A8.4.2.1 provide the Board with a written statement that:
- (a) includes a detailed account of the relevant conduct and practice of the applicant since the time of suspension or termination of membership;
 - (b) specifies any mitigating circumstances;
 - (c) if relevant, specifies any punishment imposed by a Court or regulatory body, together with its secondary effects, in connection with the offence, event or matter to which the suspension or termination of membership related;
 - (d) if relevant, is supported by evidence of remorse, contrition and acceptance of responsibility for the offence, event or matter to which the suspension or termination of membership related;
 - (e) provides details of any restriction, condition or limitation affecting the applicant's medical registration in any jurisdiction;
 - (f) states why, in the applicant's opinion, the suspension should be lifted or they should be readmitted to membership; and
 - (g) such other information as the Board may require; and

A8.4.2.2 agree in writing to pay to the College the reasonable costs and expenses of their reinstatement, including, but not limited to, the non-refundable reinstatement fee set by the Board for this purpose.

A8.5 Consideration of an Application for Reinstatement

A8.5.1 In relation to any application for reappointment or reinstatement where the applicant's membership was terminated for failure to pay any debt due to the College by the timeframe prescribed, the Board may, at its sole discretion, reappoint or reinstate the applicant to membership in the applicable category upon payment of all outstanding fees without the need for recourse to Regulation A8.4.

A8.5.2 In relation to any application for reappointment or reinstatement pursuant to Regulation A8.4, the Board may:

A8.5.2.1 at its sole discretion, seek or obtain any other information, records or reports from any other person, body or institution relevant to the application; and/or

A8.5.2.2 convene or seek to convene a meeting with the applicant.

A8.5.3 Subject to clause 3.4 of the Constitution, a decision of the Board (or a Committee or Council appointed for that purpose) to accept or reject an application for reappointment or reinstatement is not effective unless:

(a) the applicant has been given a notice of the resolution to be considered by the Board (or the Committee or Council) and a copy of any business papers circulated regarding the resolution not less than 14 days prior to the date of the meeting. If the business papers do not contain particulars of any allegations supporting the resolution that is to be considered, a statement setting out those allegations must be given;

(b) the applicant has been permitted to make submissions to the meeting in writing and orally;

(c) the applicant is given an opportunity to respond to any matters raised in the meeting. The Board (or Committee or Council) may ask the applicant to leave the meeting during its deliberations once submissions from all interested parties are complete; and

(d) notice of the decision of the Board (or Committee or Council) is given promptly to the applicant specifying the grounds upon which the application was accepted or rejected.

A8.5.4 In circumstances where the Board determined to accept an application for reappointment or reinstatement, the Board shall also determine the fees payable to the College as well as the CPD requirements, if any, to be completed and the timeframe within which they must be completed.

A8.6 Appeal

A8.6.1 Any decision of the Board in connection with an application for reinstatement will be final, conclusive and binding.

A8.7 Delegation

A8.7.1 The Board may delegate its powers, including powers under this Regulation, to deal with any application for reinstatement to any Council, committee or other entity(ies), or members thereof, as it may determine. Any decision of such a body shall be subject to ratification by the Board.

A9 SECTIONS

A9.1 Establishment

- A9.1.1 Pursuant to clause 7.1 of the Constitution, the ACEM Board has approved the establishment of 'Sections'.
- A9.1.2 Unless otherwise approved by the Board, each Section shall report to one (1) of the following governing bodies:
- ACEM Board;
 - Council of Advocacy, Practice and Partnerships (CAPP); or
 - Council of Education (COE).
- A9.1.3 The formation of individual Sections is governed by the College *Policy on Sections* as from time to time amended by the Board.
- A9.1.4 Each Section approved by the Board shall have formal Terms of Reference approved by the governing body to which the Section reports.
- A9.1.5 Each Section shall have an Executive that is responsible for conducting the business of that Section.

A9.2 Section Membership

- A9.2.1 A Section shall comprise a minimum of 30 FACEM members.
- A9.2.2 At the discretion of the applicable governing body, a Section may include external members.
- A9.2.2 Applications for membership of a Section shall be submitted in writing in the format approved by the ACEM Board from time to time, and must be accompanied by all additional information specified by the College as being required.

A9.3 Section Executive

A9.3.1 Section Executive Membership

- A9.3.1.1 Unless otherwise provided for in the Section's Terms of Reference, the membership of each Section Executive shall comprise a minimum of four (4) and a maximum of six (6) FACEM members of the Section and a maximum of one (1) trainee member of the Section.
- A9.3.1.2 Where the Terms of Reference permit, a Section Executive may also co-opt:
- one (1) external member; and/or
 - one (1) supernumerary member.
- Co-opted Section Executive members do not have voting rights.

A9.3.2 Office Bearers

- A9.3.2.1 Each Section Executive shall have a Chair and a Deputy Chair, who shall be the Section's office bearers.
- A9.3.2.2 The Chair and Deputy Chair shall be appointed by the applicable Governing Body from the FACEM membership of the Section Executive.
- A9.3.2.3 The Deputy Chair shall act in the place of the Chair during any temporary absence.

A9.3.2.4 In addition to chairing Section Executive meetings, the Chair shall be responsible for ensuring that a Section Executive's corporate knowledge is properly preserved and enhanced, and that appropriate liaison with wider College entities and staff is maintained in order to facilitate College strategic priorities and administrative requirements.

A9.3.3 Termination of Office

A9.3.3.1 The appointment of any member of a Section Executive, including an office bearer, may be revoked pursuant to the provisions of the Policy on Sections.

A9.3.4 Duration of Office

A9.3.4.1 Section Executive members appointed pursuant to Regulation A9.3.1.1 shall hold office for a period of two (2) years from the date of the Annual General Meeting (AGM) at which they are elected or appointed, at which time they may nominate for reappointment, provided that they continue to meet eligibility requirements.

A9.3.4.2 Section Executive members appointed pursuant to Regulation A9.3.1.1 may serve a maximum of three (3) successive two-year terms on that Executive, provided that they continue to meet eligibility requirements

A9.3.4.3 Section Executive members appointed pursuant to Regulation A9.3.1.1 who have served the maximum allowable period may be eligible for reappointment following a period of two (2) years absence from the Executive of that Section.

A9.3.5 Casual Vacancies

A9.3.5.1 A casual vacancy shall arise where a member of a Section Executive appointed pursuant to Regulation A9.3.1.1 resigns, is removed from, or otherwise ceases to be a member of the Section, other than through retirement at the end of his or her term.

A9.3.5.2 Any member of a Section Executive appointed to fill a casual vacancy that has arisen in relation to that Executive shall hold office only until the next scheduled AGM where appointment of members of CAPP is scheduled to be declared and shall be eligible to stand for election and/or re-appointment in accordance with these regulations.

A9.3.5.3 Any period served on a Section Executive as a casual vacancy shall not count for the purposes of determining the term of office of the individual who has filled the casual vacancy.

A9.3.5.4 Where a casual vacancy arises in relation to a position on a Section Executive pursuant to this regulation:

- (a) eligibility for the position shall be as described in Regulation A9.4.2
- (b) the nomination process shall be as described in Regulation A9.4.3.
- (c) if an election is required, the process shall be as described in Regulation A9.4.4.

A9.3.5.5 If no valid nomination is received by the returning officer by the date and time specified in the call for nominations, the position shall remain vacant.

A9.3.5.6 Where a position remains vacant pursuant to Regulation A9.3.5.5, the Section Executive may, at its discretion, recommend an eligible FACEM to the governing body to which the Section reports for appointment to the position.

A9.3.5.7 Any period served on a Section Executive pursuant to Regulation A9.3.5 shall not count for the purposes of determining the term of office of the individual who has filled the vacancy.

A9.4 Election of a Section Executive

A9.4.1 Election Schedule

- A9.4.1.1 Elections for the members of a Section Executive shall be held every two (2) years in years in which the general membership of other entities of the governing body to which the Section reports take office at a College AGM.
- A9.4.1.2 The returning officer for the election of a Section Executive will be the College Chief Executive Officer or nominee, or, should that office be vacant, the individual acting in that position.

A9.4.2 Eligibility Criteria

Nominees for election as a member of a Section Executive must, at the time of nomination:

- A9.4.2.1 be an ACEM Fellow in active clinical practice;
- A9.4.2.2 be currently compliant with all relevant ACEM renewal of Fellowship requirements;
- A9.4.2.3 have no financial debts to the College;
- A9.4.2.4 hold current medical registration with no suspension, condition(s), restriction(s) or undertaking(s) imposed by a regulatory authority that limits their ability to practise as a specialist emergency medicine physician in Australia or New Zealand; and
- A9.4.2.5 be a formal member of the applicable College Section.

A9.4.3 Nomination

- A9.4.3.1 In years in which elections of the members of a Section Executive are due to occur, a call for nominations will be made.
- A9.4.3.2 Eligible FACEMs may nominate (propose) themselves for election as a member of a Section Executive.
- A9.3.3.3 The proposer and seconder of a nominee must be a FACEM member of the relevant Section.
- A9.4.3.4 The closing date for receipt by the College of nominations shall be not less than 14 days from the date on which the call for nominations is issued.
- A9.4.3.5 The nomination, together with all information and other documentation specified in these regulations and on that form, must reach the returning officer by the date and time specified in the call for nominations.
- A9.4.3.6 Nominations received after the date and time specified in the call for nominations will not be considered as valid for the purposes of determining nominations for the applicable election.
- A9.4.3.7 Following the closing of nominations, the returning officer will determine the number of valid nominations received and, pursuant to Regulation A9.4.3.8, determine whether an election will be held.
- A9.4.3.8 If the number of valid nominations for election as a member of a Section Executive is greater than the prescribed maximum number of the Section's Executive, an election will be held. If the number of valid nominations is fewer or equal to the prescribed maximum number of the Section's Executive, those person(s) shall be deemed elected to the Executive of the Section in question.

A9.4.4 Election Procedure

- A9.4.4.1 Except where specified in these regulations, all members of a Section are eligible to vote in an election to appoint the Executive members of that Section.
- A9.4.4.2 Individuals who become a member of a Section during the period in which voting to elect the Section Executive is open will not be eligible to vote in that election.
- A9.4.4.3 Section members, if they elect to vote, may only vote for a maximum of six (6) candidates.
- A9.4.4.4 Voting shall be conducted in the manner determined by the returning officer, with Section members provided 14 days in which to vote.
- A9.4.4.5 The candidates, to the maximum prescribed in the Section's Terms of Reference, who receive the highest number of votes shall be forwarded to the governing body to which the Section reports for formal appointment.
- A9.4.4.6 In the event of two (2) or more candidates receiving an equal number of votes and where appointment of both would result in greater than the prescribed maximum number of the Section's Executive, the candidate deemed to have the higher number of votes will be determined by a drawing of lots.

A9.5 Section Meetings

- A9.5.1 Each Section shall hold at least one meeting of the Section's membership annually.
- A9.5.1.1 The transaction of business at a Section meeting requires a quorum of at least 15 members of the Section members, including at least two (2) members of the Section Executive. Non-voting members do not contribute to the determination of a quorum based on those present.
- A9.5.2 Each Section Executive shall hold at least two meetings annually.
- A9.5.2.1 The transaction of business at a meeting of a Section Executive requires a quorum of:
- where the Executive consists of either four (5) or five (5) members – three (3) members; or
 - where the Executive consists of six (6) members – four (4) members.
- A9.5.3 The Chair shall preside at meetings. In his or her absence, the Deputy Chair shall assume the role of Chair and preside over the meeting.
- A9.5.4 Expenses incurred by Section members in relation to attending any meeting of the Section's membership are the responsibility of that member. College funding of the attendance of members of a Section Executive in relation to attending a sanctioned face-to-face Executive meeting shall be in line with the relevant College policy(ies).
- A9.5.5 All other meeting requirements shall be as prescribed in the *Policy on Sections* and the Terms of Reference of the Section.

A9.6 Dissolution of Sections

- A9.6.1 Where the governing body to which a Section reports is either CAPP or COE, the Board may, on the recommendation of the applicable governing body, dissolve a Section by resolution of three-fourths of its members where:

- A9.6.1.1 the Section or its Executive has been guilty of conduct detrimental to the interests of the College; or
 - A9.6.1.2 the Section is unable to elect an Executive; or
 - A9.6.1.3 membership of the Section drops below the minimum threshold level of 30 FACEM members.
- A9.6.2 Where the Section reports to the Board, the Board may dissolve a Section by resolution of three-fourths of its members where:
- A9.6.2.1 the Section or its Executive has been guilty of conduct detrimental to the interests of the College; or
 - A9.6.2.2 the Section is unable to elect an Executive; or
 - A9.6.2.3 membership of the Section drops below the minimum threshold level of 30 FACEM members.
- A9.6.3 A decision to dissolve a Section pursuant to Regulation A9.6.1 or A9.6.2 shall not be effective unless:
- A9.6.3.1 notice of the resolution to be considered by the Board is provided to the Section's Executive or, in the absence of an Executive to the members of the Section, not less than 14 days prior to the date of the meeting; and
 - A9.6.3.2 the recipients of the notice issued pursuant to this Regulation have been permitted to make a written submission to the ACEM Board.