



Regulation 41

Conduct of elections

41. Conduct of elections

41.1 Introduction

41.1.1 This regulation should be read in conjunction with the Constitution. It applies to elections for ANZCA Council and the Board of the Faculty of Pain Medicine.

41.2 Eligibility for election

41.2.1 A Member is not eligible for election as a Councillor or Faculty board member if the Member:

- 41.2.1.1 ceases to be eligible for admission to membership of the College;
- 41.2.1.2 has any condition or restriction imposed on their right to practise by any medical or professional authority recognised by the Council (“**an Authority**”);
- 41.2.1.3 has been found guilty by a Court of a Serious Offence as defined in the Constitution;

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- 41.2.1.4 has failed to pay any debt due to the College for a period of six months after the due date for payment;
- 41.2.1.5 is a person whose estate or person is dealt with by a court, tribunal or other similar body exercising judicial or statutory powers under the law relating to mental health or disability. The Council or Faculty Board may nevertheless allow the Member to stand for election if the matter is considered unlikely to adversely affect the Member’s ability to discharge their duties to the College; or,
- 41.2.1.6 is disqualified from acting as a director in Australia under the *Corporations Act 2001* (Cth) or in New Zealand under the *Companies Act 1993*.

41.3 Declaration to accompany nomination

41.3.1 In addition to the declaration required under clause 9.1.3 of the College Constitution (Councillors’ interests) the candidate shall provide a declaration in the form approved by the Council for this purpose giving information in respect of:

- 41.3.1.1 any criminal charge or proceeding in relation to a Serious Offence in relation to the candidate of which the candidate is aware;
- 41.3.1.2 any claim or complaint against the candidate relating to his or her practice (other than a frivolous claim or complaint) of which the candidate is aware;
- 41.3.1.3 any reprimand, adverse finding or caution issued in respect of the candidate by an Authority or other statutory body which investigates health care complaints during the five years prior to the date of nomination;

41.3.1.4 any claim or notification in relation to the candidate in respect of their practice (other than a frivolous claim or notification) made to an Authority during the five years prior to the date of nomination.

41.4 Election of Council

41.4.1 Members, if they elect to vote, including by Electronic Voting, either at or prior to the meeting pursuant to the instructions of Council shall be obliged to vote for as many candidates as there are vacancies to be filled and no more. Votes are to be received 60 days prior to the annual general meeting and received by the Company Secretary by close of business, otherwise they shall be deemed to be invalid and shall not be counted.

42.5 Publication of information

42.5.1 The Council may publish any information provided pursuant to this declaration in connection with the conduct of or in any materials relating to any election in which the candidate participates.

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