



The Royal New Zealand
College of General Practitioners

**The Royal
New Zealand College
of General Practitioners**

REGULATIONS

December 2009

THE ROYAL NEW ZEALAND COLLEGE OF GENERAL PRACTITIONERS

REGULATIONS

Approved: RNZCGP Council June 2009

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REGULATIONS

1. DEFINITIONS

Actively engaged in general practice

The minimum period for active engagement in general practice is ten (10) half day sessions per year. Conversely, "not actively engaged in general practice" refers to a member who is engaged in less than or equal to ten (10) half day sessions per year.

A member of good standing

A member of good standing is up to date with the payment of his/her annual dues.

Member

A medical practitioner who has successfully completed the course requirements of the education and training programme of the College (or an equivalent programme as determined by the College) and has successfully completed assessment as prescribed in the Regulations.

2. COLLEGE EMBLEM

The colour is Orange.

3. QUALIFICATIONS FOR MEMBERSHIP

3.1 Fellows

The following route will apply to Fellowship:

- (a) A Fellowship shall be awarded to a paid up member after the successful completion of the training and assessment requirements, production of a certificate of good standing from the MCNZ, and other requirements as determined by Council.
- (b) A Fellow will be designated "Fellow of The Royal New Zealand College of General Practitioners" (abbreviated "FRNZCGP").
- (c) A Fellow of good standing, is entitled to the privilege of the floor at the General Meetings, may vote, and may hold office.
- (d) A Fellow shall pay annual fees.

3.2 Distinguished Fellow

- (a) A Distinguished Fellowship may be awarded for meritorious services either to:
 - (i) The science or practice of medicine; or
 - (ii) The aims or work of the College.
- (b) A candidate must have been a Fellow of the College for five (5) years, have fulfilled their obligations to the College, and be a person to whom the College motto is particularly appropriate.
- (c) Service to any organisation which may directly or indirectly benefit general practice, medicine as a whole, or the health and welfare of the community, may be taken into account.
- (d) A candidate must be willing to accept nomination as a Distinguished Fellow.
- (e) A Fellow in receipt of this award will be designated "Distinguished Fellow of The Royal New Zealand College of General Practitioners" ("FRNZCGP (Dist)")
- (f) A Distinguished Fellow shall pay the same annual dues as if he or she was a Fellow.
- (g) Any current Distinguished Fellow, or Fellow of the College, may nominate a Fellow for Distinguished Fellowship to the Awards Committee on the prescribed nomination form.
- (h) Distinguished Fellowship may be awarded posthumously and notwithstanding Clause 3.2(f) payment of annual dues is not required.

3.3 Honorary Fellow

- (a) Honorary Fellowship may be conferred by the Council to individuals of distinction who cannot be Fellows of the RNZCGP, who have made an outstanding contribution to the cause of the general practitioner or to the medical profession in general, and who need not be graduates of medicine.
- (b) An Honorary Fellowship may be proposed by the Council or by a Faculty.
- (c) Honorary Fellows shall be entitled to the privileges of the floor of General Meetings but shall not be entitled to vote nor hold elected office.
- (d) Honorary Fellows shall not pay annual dues.

3.4 Life Fellows

- (a) Life Fellowship shall be granted to all Fellows who:
 - (i) Are not Honorary Fellows.
 - (ii) Have reached the age of sixty-five (65) years.
 - (iii) Are not actively engaged in general practice; and
 - (iv) Have been a subscribing member for twenty (20) or more consecutive years.
- (b) Life Fellows shall be exempt annual dues and retain the full privileges of Fellowship.

3.5 Fellows by Reciprocity

A Fellow of the Royal Australian College of General Practitioners may be granted FRNZCGP by reciprocity. This confers on the bearer all the responsibilities and privileges of Fellowship.

3.6 Members

- (a) A Membership shall be awarded to a paid up member after the successful completion of the course requirements of the education and training programme of the RNZCGP and successful completion of Primex, or equivalent as determined the Education Advisory Committee.
- (b) A Member will be designated "Member of The Royal New Zealand College of General Practitioners" ("MRNZCGP"). This title may only be used by those currently Members.
- (c) A Member shall pay annual dues.
- (d) A Member of good standing, is entitled to the privilege of the floor at General Meetings, may vote, and may hold office.
- (e) Membership is time limited and is valid for five years to allow for training to be completed. The Education Advisory Committee may grant extensions to this on a case by case basis.

3.7 Associates

- (a) Associateship may be granted to any registered medical practitioner engaged in practice within the scope of primary care, including general practice, or within the vocational scope of rural hospital medicine.
- (b) Associates who qualify for active Membership status by completion of the College Membership procedures automatically become Members on publication of the list of successful candidates for Membership.
- (c) Associates shall be entitled to the privilege of the floor at General Meetings, but shall not vote except in the election of specific Associate representatives.
- (d) Associates may only hold those offices specifically reserved for Associates.
- (e) Associates are entitled to membership of committees including Faculty Boards in which instance they shall have full committee membership privileges.
- (f) Associates shall not use any designation.
- (g) Associates shall pay annual dues.

3.8 Retired Fellows, Members and Associates

- (a) A Retired Fellowship, Retired Membership or Retired Associateship shall be granted to all Fellows, Members and Associates who are no longer actively engaged in general practice.
- (b) While retired, Fellows, Members and Associates will maintain their current status.

- (c) Retired Fellows, Retired Members and Retired Associates shall have the full privileges of Fellowship, Membership or Associateship respectively.
- (d) Retired Fellows and Retired Members shall pay reduced annual dues.

3.9 Affiliates

- (a) Affiliateship may be granted to any registered medical practitioner who is not engaged in general practice, or to any individual who is not registered as a medical practitioner but has special links with general practice and who desires to become affiliated with the College.
- (b) Affiliateship may also be granted to organisations that have special links with general practice.
- (c) Affiliates shall have the privilege of the floor at General Meetings, but may not vote nor hold office.
- (d) Individual Affiliates shall pay reduced annual dues.

4. APPLICATION FOR MEMBERSHIP OR ADVANCEMENT

- 4.1** Awarding of Membership and Fellowship shall be determined by Council. Council may choose to delegate this task through an appropriate committee.
- 4.2** Applicants who clearly meet the Associateship or Affiliateship criteria shall be admitted as an Associate or Affiliate when the appropriate application form and fee is received by the National Office.
- 4.3** The Council of the College may change, by resolution, the class of membership of a member if that member ceases to meet the criteria for their current class.

5. CERTIFICATE OF MEMBERSHIP/FELLOWSHIP

- 5.1** Certificate of Membership or of Fellowship shall be printed in such a form as may be determined from time to time by the Council. The President and Censor in Chief shall sign them by hand. Title to each Certificate shall remain at all times with the College.
- 5.2** A Fellow will be issued a certificate.
- 5.3** A Member will be issued a certificate valid for five years to allow training to be completed. The Education Advisory Committee may grant extensions to this on a case by case basis.

6. PROCEDURE FOR TERMINATION OF MEMBERSHIP AND OTHER PRIVILEGES

6.1 Procedure in the case of Unpaid Dues

- (a) A member in default of annual dues for one (1) year shall be notified by registered mail sent to his/her current address as shown on the College roll.
- (b) A member in default of payment for two (2) years shall be notified of such by registered mail sent to his/her current address as shown on the College roll. This notice is to state that unless all arrears are paid, membership will be rescinded in thirty (30) days from the date of mailing.

6.2 Procedure in other cases

- (a) Censure, fine, suspension or expulsion of a member shall be by resolution of the Council of the College.
- (b) At least one (1) week before the meeting of the Council at which a resolution of the kind mentioned in Rules 8.3, 8.4 and 8.5 is proposed to be passed, the Council shall give to the member concerned notice of the meeting and of what is alleged against him/her and of the intended resolution. At the meeting and before the passing of the resolution the member shall have the opportunity of giving, orally or in writing, any explanation he/she may think fit.
- (c) If a member, not less than 24 hours before the time fixed for the holding of a meeting of the Council, at which a resolution of the kind mentioned in Regulation 6.2(b) above is proposed to be passed, lodges with the Deputy President a notice in writing by which the member in writing elects to have the matter dealt with by the College in General Meeting. A General Meeting of the College shall be called for the purpose. If, at the meeting, such resolution is passed by a majority of two-thirds of those present and voting (such vote to be taken by ballot), the member shall be punished accordingly, and in the case of a resolution for the member's expulsion, the member shall be expelled.

7. REGALIA

7.1 College Gowns

- (a) **Member's gown:** A black gown in the style of the Royal (United Kingdom) gown modified with a border of black and white triangles in the form of an original and particular "taniko" design.
- (b) **Fellow's gown:** That of the Members with the addition of a light burgundy border (as in common usage) on the edge of the black and white facing.
- (c) **Distinguished Fellow's gown:** As determined by Council.

8. BILLING AND PAYMENT OF SUBSCRIPTIONS

- 8.1 The Council may in exceptional circumstances reduce or waive a member's annual dues.
- 8.2 All members shall be billed for dues yearly.
- 8.3 In all classes of membership, a member who is non-resident in New Zealand for more than one financial year shall be entitled to pay reduced annual dues.

9. EXECUTIVE COMMITTEE

- 9.1 The Executive Committee of the College shall consist of:
 - (a) President
 - (b) Deputy President
 - (c) One Fellow from Te Akoranga a Maui
 - (d) Two College Fellows appointed by President and Deputy President
 - (e) Two other appointees appointed by Executive
 - (f) Chief Executive (ex officio)
- 9.2 All members of the Executive Committee shall have the right to attend meetings of the Executive Committee and shall be entitled to vote at such meeting except for the Chief Executive Officer who shall be entitled to attendance and speaking rights but not voting rights.
- 9.3 At specified times the Executive Committee may be joined by the following observers:
 - (a) the President Elect;
 - (b) the Deputy President Elect;these occasional members shall have attendance and speaking rights but not voting rights.

10. STANDING COMMITTEES

- (a) The Council:
 - (i) may appoint a maximum of three (3) Standing Committees to assist in its work (or may delegate this function to Executive), once the CEO has called for nominations for the position of Chair and Standing Committee members;
 - (ii) may form Standing Committee subcommittees but the Chairpersons of such subcommittees shall not sit on Council by virtue of this office;
 - (iii) may delegate any of its powers or functions to one (1) or more Standing Committees;
 - (iv) shall appoint the Chairperson of each Standing Committee for a three (3) year term and may re-appoint for a maximum of a further three (3) years beginning on 1 April ; and
 - (v) shall ratify Standing Committee membership annually.
 - (vi) May invite an existing member to serve a second three-year term (or shorter) by mutual agreement. If an existing member of the Standing Committee is appointed Chairperson, their term of appointment will begin again from the date they take up their duties as Chairperson.
- (b) The Chairperson of each Standing Committee shall:

- (i) become a Council member on the taking of office;
 - (ii) be a Fellow;
 - (iii) nominate the committee members; and
 - (iv) ensure that at least three quarters of the Standing Committee are Fellows.
- (c) All Standing Committees:
- (i) shall have a fixed membership and are only able to expand with Council permission;
 - (ii) shall have a quorum of 50%;
 - (iii) shall conform to any Regulations that may be imposed by the Council;
 - (iv) shall aim to promote the objects of the College;
 - (v) may co-opt a limited number of persons at Council's discretion. Such co-opted members shall not be entitled to vote; and
 - (vi) members shall have one vote.
- (d) The President and the CEO may attend all Standing Committee meetings *ex officio*, their attendance shall not contribute to the quorum for a Standing Committee meeting.

10.1 Education Advisory Committee

- (a) There shall be an Education Advisory Committee, consisting of:
- (i) *Voting*
 - (1) Chairperson
 - (2) Representative from Te Akorangi a Maui
 - (3) Representative from the Rural Faculty
 - (4) Up to three other members
 - (ii) *Non Voting*
 - (1) President of Council
 - (2) Censor in Chief
 - (3) Chief Executive Officer
 - (4) Group Manager Education
- (b) The Education Advisory Committee responsibilities include:
- (i) To advise Council on strategic direction with regard to education and assessment.
 - (ii) To advise Council and the Chief Executive Officer on the implementation of initiatives developed in accordance with the College's strategic plan.
 - (iii) To monitor the provision of general practice education programmes and to provide information and advice to Council and the Chief Executive Officer in relation to these programmes.
 - (iv) To set national standards for doctors seeking vocational registration through the Medical Council - under delegated authority from Council.
 - (v) To admit to Membership and Fellowship of the College doctors who have reached the required standards - under delegated authority from Council.
 - (vi) To set national education standards for general practitioners to maintain vocational registration in the scope of general practice, including the continuing professional development requirements of Medical Council - under delegated authority from Council.
 - (vii) To set national education standards for medical officers working in general practice, to meet the continuing professional development requirements of Medical Council - under delegated authority from Council.
 - (viii) To maintain links with relevant national and international groups in order to monitor trends in vocational education and assessment and incorporate suitable innovations into College programmes.

- (ix) Entering into new contractual arrangements or involvement in unbudgeted projects, however this requires Council approval.

10.2 Quality Advisory Committee

- (a) There shall be a Quality Advisory Committee consisting of:
 - (i) *Voting*
 - (1) Chairperson of the Committee
 - (2) Up to two other permanent members and one other co-opted from time to time
 - (3) Representative of Te Akorangi a Maui
 - (4) Quality Advisory Committee shall comprise experts in general practice quality and patient safety
 - (5) A consumer representative nominated by the Consumer Liaison Committee
 - (ii) *Non Voting*
 - (1) President of the College
 - (2) Chief Executive Officer
 - (3) Group Manager Clinical Practice
- (b) The Quality Advisory Committee responsibilities include:
 - i To advise Council on strategic direction with regard to quality improvement and patient safety.
 - ii To advise Council and the Chief Executive Officer on the implementation of quality improvement and patient safety initiatives developed in accordance with the College's strategic plan.
 - iii To set the standard for general practice in New Zealand (Aiming for Excellence) - under delegated authority from Council.
 - iv To monitor the provision of the College's general practice accreditation and patient safety programmes and provide advice on these to the Council and the Chief Executive Officer
 - v To set the standards for College endorsement of evidence based guidelines, decision support tools and other products for use in general practice - under delegated authority from Council.
 - vi To accredit those general practices that meet the standard for general practice (CORNERSTONE) - under delegated authority from Council.
 - vii To monitor current trends in research, evaluation, quality improvement, patient safety and innovation in the New Zealand health sector.
 - viii To maintain links with national and international experts in quality improvement, patient safety and general practice quality systems.
 - ix Entering into new contractual arrangements or involvement in unbudgeted projects, however, requires Council approval.

11. SPECIAL COMMITTEES

- (a) The Council or the Executive Committee:
 - (i) may appoint Special Committees to assist in its work;
 - (ii) may delegate any of its powers or functions to one (1) or more Special Committees; and
 - (iii) shall ratify Special Committee membership annually.
- (b) Special Committee Chairpersons shall not sit on Council by virtue of this office.
- (c) All Special Committees:
 - (i) shall have a fixed membership and are only able to expand with Council permission;

- (ii) shall have a quorum of 50%;
 - (iii) shall conform to any Regulations that may be imposed by the Council;
 - (iv) shall aim to promote the objects of the College;
 - (v) may co-opt a limited number of persons at Council's discretion. Such co-opted members shall not be entitled to vote; and
 - (vi) members shall have one (1) vote.
- (d) The President and the CEO may attend all Special Committee meetings ex officio. If the President or CEO attend they are entitled to one (1) vote. Their attendance shall not contribute to the quorum for a committee meeting

11.1 Awards Committee

- (a) There shall be an Awards Committee consisting of:
- (i) A past President as Chairperson; and
 - (ii) The Censor in Chief; and
 - (iii) Two members of Council. Where possible one of these members should be from the Faculty holding the next AGM Conference. These appointments shall be made annually and the maximum term for members shall be five years.
- (b) The Awards Committee shall:
- (i) Recommend awards and honours to Council;
 - (ii) Meet prior to the first Council meeting of the calendar year; and
 - (iii) Report recommendations (such as the Distinguished Fellowship and other awards including civil honours) to subsequent Council meetings.

11.2 Advisory Boards/Working Parties/Taskforces

- (c) Council may establish one (1) or more Advisory Boards/Working Parties/Taskforces ("Advisory Boards").
- (d) Advisory Boards:
- (i) shall act in an advisory capacity only; and
 - (ii) membership shall be determined by Council.

11.3 Appeals Tribunal

A candidate may apply for an appeal of their results in the Primex examination, the Fellowship Assessment, and/or the CORNERSTONE Practice Accreditation Assessment.

Appeals involve a thorough consideration of the facts, submissions and decision-making process.

11.3.1 PRIMEX

Process

- (a) Candidates may apply for an appeal of their results in the PRIMEX examination, including:
 - (i) His or her results in any one or all sections;
 - (ii) The outcome of a compassionate consideration application; and/or
 - (iii) A breach of rules determination;
- (b) Candidates must apply to the Censor in Chief (or delegated representative) for an appeal on an Application for Appeal form within fourteen (14) days from postage of notification of the outcome of the examination.
- (c) Appeal applications received later than fourteen (14) days from postage to the appellant of the determination in question will not be considered for appeal, unless Council determines special circumstances apply.
- (d) Appellants shall pay a fixed fee to apply for an appeal. An additional award of costs may be set by the Tribunal upon consideration of submissions on the quantum of costs.
- (e) If the appeal is successful then the appellant's fee will be refunded in full.
- (f) When the Censor in Chief (or delegated representative) receives an appeal application they will ensure that the candidate's examination papers and results will be checked for errors in the

recording and summation of marks, or other administrative problems. The Censor in Chief (or delegated representative) oversees this task and notifies the candidate at the earliest opportunity of the results of this recount.

- (g) Following the recount of marks, a candidate may decide to proceed to a full appeal of the examination process and outcome. Should this occur the Censor in Chief (or delegated representative) shall refer the appeal to Council.

The Appeal Tribunal:

- (a) Members shall be nominated by the Censor in Chief (or delegated representative) to Council, upon receipt of an appeal. Membership shall consist of three (3) senior Fellows who have taken no part in the assessment under consideration and who have experience of the RNZCGP's Primex assessment processes;
- (b) Shall be appointed by Council and Council shall determine Chairperson;
- (c) Members shall declare any conflicts of interest and Council shall determine their continued participation;
- (d) Proceedings shall be conducted independently of the Education Advisory Committee and Council;
- (e) May meet in person, by teleconference or conduct deliberation by post in writing;
- (f) Is to determine whether the:
 - (i) Examination rules or assessment process have been correctly interpreted and applied by the Censor in Chief (or delegated representative), and/or the Education Advisory Committee;
 - (ii) Outcomes determined by the Censor in Chief (or delegated representative) and/or the Education Advisory Committee, are reasonable in that those outcomes were available to a reasonable assessor, given the facts, at that time of the assessment; and
 - (iii) Outcome of any application for compassionate consideration has been determined in accordance with the rules and whether reasonable consideration has been given to the appellant;
- (g) Shall decide whether oral submissions are to be made to the Appeal Tribunal deliberation meeting. This decision may be taken at the outset or after receipt of written material. The Tribunal
 - (i) May give the appellant, the Censor in Chief (or delegated representative), examiners, supervisors an opportunity to make an oral submission. Where it decides to allow for an oral submission it must ensure both sides are given this opportunity;
 - (ii) Must provide the appellant with fourteen (14) days written notice of the time and date of the meeting if an oral submission is offered. This written notice may be included when the appellant is invited to make a written submission;
 - (iii) Shall not consider any case without first inviting an oral submission from the Censor in Chief (or delegated representative);
 - (iv) If there are to be no oral submissions then it should give the Censor in Chief (or delegated representative) adequate notice to prepare written materials;
- (h) Shall take into account when making a determination:
 - (i) All material provided by the Censor in Chief (or delegated representative);
 - (ii) Any written submission by the appellant;
 - (iii) Any oral submission; and
 - (iv) Any other material it deems relevant to the assessment provided the appellant has also had an opportunity to consider and make submissions regarding material that describes their performance or conduct;
- (i) May make any of the following determinations:
 - (i) Dismiss the appeal and uphold the decision of the Censor in Chief (or delegated representative) and/or Board of Assessment; or
 - (ii) Uphold the appeal and substitute any decision the Censor in Chief (or delegated representative) and/or Board of Assessment was empowered to make; or

- (iii) Uphold the appeal and refer the matter back to the examiners for re-assessment;
- (j) May make an award of costs to either party. This will involve seeking submissions from the parties as to the quantum of reasonable and actual costs incurred in respect of the appeal process; and
- (k) Shall provide a written report of its decision to Council through the President, including the reasons for the decision, within a reasonable time period from its determination. The decision will be reported to the Council meeting following notification to the appellant.

Chairperson of the Appeal Tribunal shall:

- (a) Determine the date and type of meeting (if required) for the deliberation. The date shall allow sufficient time for collection and collation of information. If a decision does not require oral submissions, four (4) weeks is required. If a decision requires oral submissions six (6) weeks is required;
- (b) Ensure that the Chairperson Censor in Chief (or delegated representative) has supplied a copy of all materials upon which the determination in dispute has been made;
- (c) Shall invite a written submission from the appellant. Such submission must be received within fourteen (14) calendar days of the date of postage (of the invitation to provide a written submission) of the examination materials to the appellant. This time limit may be varied where this is deemed by the Appeal Tribunal to be necessary for fair consideration of the appeal;
- (d) Send to the appellant in one envelope:
 - (i) De-identified copies of material describing the assessment of their performance, or conduct, received by the Appeal Tribunal from the Censor in Chief. The appellant must not be sent material that identifies any individual examiner or actor;
 - (ii) If the Appeal Tribunal has decided to accept an oral submission, the notification of date and place of the Appeal Tribunal meeting. If such a decision is made after receipt of written materials then it shall be sent later; and
- (e) (Or the Appeal Tribunal's delegated representative) shall notify the appellant of the outcome of the appeal.

11.3.2 Fellowship Assessment

Process

- (a) Assessment visits take place following the successful completion of all General Practice Education Programme Part 2 requirements.
- (b) Candidates may apply for an appeal if they have been advised they have failed their Fellowship Assessment after two visits.
- (c) Candidates must apply to the Chairperson of the Education Advisory Committee (or the Chairperson's delegated representative) for an appeal on an Application for Appeal form within fourteen (14) days from postage of notification of the outcome of the assessment visit.
- (d) Appeal applications received later than fourteen (14) days from postage to the appellant of the determination in question will not be considered for appeal, unless Council determines special circumstances apply.
- (e) Appellants shall pay a fixed fee to apply for an appeal. An additional award of costs may be set by the Tribunal upon consideration of submissions on the quantum of costs.
- (f) If the appeal is successful then the appellant's fee will be refunded in full.
- (g) When the Chairperson of the Education Advisory Committee (or the Chairperson's delegated representative) receives an appeal application they will ensure that the administrative procedures of the assessment were carried out correctly. The Chairperson of the Education Advisory Committee (or their delegated representative) will notify the appellant at the earliest opportunity of the results of this verification.
- (h) Following this checking process, a candidate may decide to proceed to a full appeal of the assessment process and outcome.

The Appeal Tribunal:

- (a) Members shall be nominated by the Chairperson of the Education Advisory Committee (or the Chairperson's delegated representative) to Council, upon receipt of an appeal. Membership shall consist of three (3) senior Fellows who have taken no part in the assessment under consideration but who have experience of the RNZCGP's Fellowship assessment processes;
- (b) Shall be appointed by Council and Council shall determine Chairperson;
- (c) Members shall declare any conflicts of interest and Council shall determine their continued participation;
- (d) Proceedings shall be conducted independently of the Education Advisory Committee and Council;
- (e) May meet in person, or by teleconference, or conduct deliberation by post in writing;
- (f) Is to determine whether the:
 - (i) Examination rules or assessment process have been correctly interpreted and applied by the Chairperson of the Education Advisory Committee, and/or the Board of Assessment;
 - (ii) Outcomes determined by the Chairperson of the Education Advisory Committee, and/or the Education Advisory Committee, are reasonable in that those outcomes were available to a reasonable assessor, given the facts, at that time of the assessment; and
 - (iii) Outcome of any application for compassionate consideration has been determined in accordance with the rules and whether reasonable consideration has been given to the appellant;
- (g) Shall decide whether oral submissions are to be made to the Appeal Tribunal deliberation meeting. This decision may be taken at the outset or after receipt of written material. The Appeal Tribunal
 - (i) May give the appellant, the Chairperson of the Education Advisory Committee (or the Chairperson's delegated representative), examiners, supervisors an opportunity to make an oral submission. Where it decides to allow for an oral submission it must ensure both sides are given this opportunity;
 - (ii) Must provide the appellant with fourteen (14) days written notice of the time and date of the meeting if an oral submission is offered. This written notice may be included when the appellant is invited to make a written submission;
 - (iii) Shall not consider any case without first inviting an oral submission from the Chairperson of the Education Advisory Committee; and
 - (iv) If there are to be no oral submissions then adequate notice should be given for the Chairperson of the Education Advisory Committee to prepare written materials;
- (h) Shall take into account when making a determination:
 - (i) All material provided by the Chairperson of the Education Advisory Committee (or their delegated representative);
 - (ii) Any written submission by the appellant;
 - (iii) Any oral submission; and
 - (iv) Any other material it deems relevant provided the appellant has also had an opportunity to consider and make submissions regarding material that describes their performance or conduct;
- (i) May make any of the following determinations:
 - (i) Dismiss the appeal and uphold the decision of the Chairperson of the Education Advisory Committee; or
 - (ii) Uphold the appeal and substitute any decision of the Chairperson of the Education Advisory Committee; or
 - (iii) Uphold the appeal and refer the matter back to the examiners for re-assessment;
- (j) May make an award of costs to either party. This will involve seeking submissions from the parties as to the quantum of reasonable and actual costs incurred in respect of the appeal process; and

- (k) Shall provide a written report of its decision to Council through the President, including the reasons for the decision, within a reasonable time period from its determination. The decision will be reported to the Council meeting following notification to the appellant.

Chairperson of the Appeal Tribunal shall (if required):

- (a) Determine the date and type of meeting for the deliberation. The date shall allow sufficient time for collection and collation of information. If a decision does not require oral submissions, four (4) weeks is required. If a decision requires oral submissions six (6) weeks is required;
- (b) Ensure that the Chairperson of the Education Advisory Committee (or the Chairperson's delegated representative) has supplied a copy of all materials upon which the determination in dispute has been made;
- (c) Shall invite a written submission from the appellant. Such submission must be received within fourteen (14) calendar days of the date of postage (of the invitation to provide a written submission) of the Fellowship Assessment Report to the appellant. This time limit may be varied where this is deemed by the Appeal Tribunal to be necessary for fair consideration of the appeal;
- (d) Send to the appellant in one envelope:
 - (i) Copies of material describing the assessment of their performance, or conduct, received by the Appeal Tribunal from the Censor in Chief;
 - (ii) If the Appeal Tribunal has decided to accept an oral submission, the notification of date and place of the Appeal Tribunal meeting. If such a decision is made after receipt of written materials then it shall be sent later; and
- (e) Shall notify the appellant of the outcome of the appeal.

11.3.3 CORNERSTONE General Practice Accreditation Assessment

- (a) The indicators and criteria of Aiming for Excellence cannot be subject to the Appeals process.
- (b) A Practice Assessment appeal can only be made by a practice.
- (c) The scope of the Appeal can only cover RNZCGP processes and decisions.

Process

- (a) Practices may apply for an appeal if they have been advised they have not achieved CORNERSTONE General Practice Accreditation.
- (b) Practices must apply for an appeal on an *Application for Appeal* form within twenty eight (28) days from postage of notification of the outcome of the assessment.
- (c) Appeal applications received later than twenty eight (28) days from postage to the appellant of the determination in question will not be considered for appeal, unless Council determines special circumstances apply.
- (d) Practices shall pay a fixed fee to apply for an appeal.
- (e) If the appeal is successful then the appellant's fee will be refunded in full.
- (f) When the Chairperson of the Quality Advisory Committee (or their delegated representative) receives an appeal application they will ensure that the administrative procedures of the assessment were carried out correctly. The Chairperson of the Quality Advisory Committee (or their delegated representative) will notify the appellant at the earliest opportunity of the results of this verification.
- (g) Following this checking process, a candidate may decide to proceed to a full review of the assessment process and outcome.

The Appeal Tribunal:

- (a) Members shall be nominated by the Chairperson of the Education Advisory Committee (or the Chairperson's delegated representative) to Council, upon receipt of an appeal. Membership shall consist of three (3) members:
 - (i) One (1) senior Fellow who has experience of the CORNERSTONE assessment processes;
 - (ii) One (1) practice manager who is an experienced CORNERSTONE assessor;

- (iii) One (1) practice nurse who is an experienced CORNERSTONE assessor; and
- (iv) Who have taken no part in the assessment process under consideration.
- (b) Shall be appointed by Council and Council shall determine Chairperson;
- (c) Members shall declare any conflicts of interest and Council shall determine their continued participation;
- (d) Proceedings shall be conducted independently of the Education Advisory Committee, and Council;
- (e) May meet in person, or by teleconference;
- (f) Shall only consider the process of the assessment;
- (g) Is to determine whether the:
 - (i) Assessment process has been correctly interpreted and applied by the Cornerstone assessors;
 - (ii) Outcomes determined by the CORNERSTONE assessors are reasonable in that those outcomes were available to a reasonable assessor, given the facts, at that time of the assessment; and
 - (iii) Outcome of any application for compassionate consideration has been determined in accordance with the rules and whether reasonable consideration has been given to the appellant;
- (h) Shall decide whether oral submissions are to be made to the Appeal Tribunal deliberation meeting. This decision may be taken at the outset or after receipt of written material. The Appeal Tribunal:
 - (i) May give the practice and CORNERSTONE assessors an opportunity to make an oral submission. Where it decides to allow for an oral submission it must ensure both sides are given this opportunity;
 - (ii) Must provide the practice with fourteen (14) days written notice of the time and date of the meeting if an oral submission is offered. This written notice may be included when the practice is invited to make a written submission;
 - (iii) Shall not consider any case without first inviting an oral submission from the CORNERSTONE assessors;
 - (iv) If there are to be no oral submissions then adequate notice should be given to the CORNERSTONE assessors to do a written submission;
- (i) Shall take into account when making a determination:
 - (i) All material provided by the CORNERSTONE Assessors;
 - (ii) Any written submission by the practice;
 - (iii) Any oral submission; and
 - (iv) Any other material it deems relevant provided the practice has also had an opportunity to consider and make submissions regarding material that describes their performance or conduct;
- (j) May make any of the following determinations:
 - (i) Dismiss the appeal and uphold the decision of the CORNERSTONE assessors; or
 - (ii) Uphold the appeal and substitute any decision of the CORNERSTONE assessors; or
 - (iii) Uphold the appeal and refer the matter back to the CORNERSTONE assessors for re-assessment.
- (k) May make an award of costs to either party. This will involve seeking submissions from the parties as to the quantum of reasonable and actual costs incurred in respect of the appeal process; and
- (l) Shall provide a written report of its decision to Council through the President, including the reasons for the decision, within a reasonable time period from its determination. The decision will be reported to the Council meeting following notification to the practice.

Chairperson of the Appeal Tribunal shall:

- (a) Determine the date and type of meeting for the deliberation. The date shall allow sufficient time for collection and collation of information. If a decision does not require oral submissions, four (4) weeks is required. If a decision requires oral submissions six (6) weeks is required;
- (b) Ensure that CORNERSTONE assessors have been supplied a copy of all materials upon which the determination in dispute has been made;
- (c) Shall invite a written submission from the practice. Such submission must be received within fourteen (14) calendar days of the date of postage (of the invitation to provide a written submission) of the CORNERSTONE General Practice Accreditation Assessment report to the appellant. This time limit may be varied where this is deemed by the Appeal Tribunal to be necessary for fair consideration of the appeal;
- (d) Send to the appellant in one envelope:
 - (i) De-identified copies of material describing the assessment of their performance, or conduct, received by the Appeal Tribunal from the CORNERSTONE assessors. The appellant must not be sent material that identifies any individual examiner or assessor;
 - (ii) If the Appeal Tribunal has decided to accept an oral submission, the notification of date and place of the Appeal Tribunal meeting. If such a decision is made after receipt of written materials then it shall be sent later.
- (e) (Or the Tribunal's delegated representative) shall notify the practice of the outcome of the appeal.

12. FACULTIES

12.1 Establishment and Operation

Council shall determine from time to time the number of Faculties. Faculties may be based on geographical areas, or other communities of interest needed to administer the College.

For Geographical Faculties

- (a) (i) Faculty members of the Faculty shall be those Fellows, Members, Associates and Affiliates of the College whose registered addresses lie within the area of the Faculty.
- (ii) A member of good standing in one Faculty, who moves to another area where another Faculty exists, shall automatically become a member of that Faculty.
- (iii) A member transferring to an area where there is no Faculty shall become a member of the nearest suitable Faculty.
- (b) (i) The Faculty aims and objects are those of the College.
- (ii) The Faculty is bound by the College Rules and Regulations.
- (c) The Faculty shall create sub-faculties at the request of the Council or members of the Faculty, and each Sub-Faculty so created shall be answerable in all respects to the Board of the Faculty.
- (d) (i) Fellows and Members of the Faculty shall be entitled to:
 - (1) Receive all notices sent out by the Faculty.
 - (2) Attend and vote at any General Meeting of the Faculty.
 - (3) Hold office in the Faculty
- (ii) Associates to the Faculty shall be entitled to:
 - (1) Receive all notices sent out by the Faculty.
 - (2) Attend and speak at any General Meeting of the Faculty.
 - (3) Vote for Associate positions on the Faculty Board but not vote otherwise except that if elected to the Faculty Board or appointed to a committee they shall have full voting rights on the Board or such committee.
- (iii) Affiliates shall be entitled to:
 - (1) Receive all notices sent out by the Faculty.

- (2) Attend and speak at any General Meeting of the Faculty.
- (3) Shall not be entitled to vote nor hold office.
- (e) (i) Each Faculty shall have the power by resolution of a General Meeting passed by a two-thirds majority to make regulations for its own governance provided that such regulations are not inconsistent with anything contained in the Rules or Regulations of the College as from time to time amended.
- (ii) Any such Faculty regulations may be amended, repealed, replaced, added to or otherwise changed by resolution of a General Meeting of the Faculty passed by a two-third majority.
- (iii) Notice of any such motion stating the exact wording of the proposed regulations or change must be given in writing to each member of the Faculty at least seven (7) days prior to the General Meeting.
- (iv) All resolutions passed under (i) or (ii) above shall require the consent of Council before coming operative.

12.2 Officers of the Faculty

- (a) The officers of the Faculty shall be the Chairperson, the Honorary Secretary, and the Honorary Treasurer. Each shall hold office until their successor is elected.
- (b) The Chairperson shall be elected annually by the new Faculty Board from among its members at its first meeting for a term of one (1) year and may be re-elected for a maximum of a further three (3) consecutive years. He/she shall chair all meetings of the Board, but if he/she is not in attendance then the Board members shall elect a Chairperson from amongst those present. He/she shall be ex officio a member of all committees of the Board. He/she shall ensure that the Board initiates and carries out actions to fulfil the aims of the College at a local level, and shall ensure that directives from the Council are implemented in the Faculty area.
- (c) The Honorary Secretary shall be elected annually at the Annual General Meeting of the Faculty. He/she shall keep accurate minutes of all Board meetings and attend to all matters of correspondence as directed by the Board or the Executive Committee of the Faculty.
- (d) The Honorary Treasurer shall be elected annually at the Annual General Meeting of the Faculty. He/she shall cause to be kept proper accounts of the funds of the Faculty; shall deposit or cause to be deposited all funds and other valuables in the name and to the credit of the Faculty; shall disburse the funds of the Faculty as may be ordered by the Board; shall render to the Board, whenever it may request it, an account of all his/her transactions, and of the financial condition of the Faculty, with vouchers, duly audited and signed by the auditors designated by the Board and at the expiration of his/her term of office shall hand them to his/her successor together with the money, books and other property belonging to the College; shall provide a set of audited accounts to the central Finance Committee for ratification prior to the Annual General Meeting of the College; and shall report and provide to the Council the financial affairs of the Faculty as directed by the Council.
- (e) The offices of Honorary Secretary and Honorary Treasurer may be combined at the discretion of the Board.

12.3 The Board of the Faculty

- (a) Each Faculty shall have a Board, which shall consist of:
 - (i) The members of the Executive Committee of the Faculty;
 - (ii) Eight Fellows or Members;
 - (iii) Two Associates; and
 - (iv) Up to four other persons, whether members of the College or not co-opted for a specific purpose and for a specific time. Such persons shall have speaking rights and voting rights at Board meetings on matters related to their specific purpose. The Chairperson of the Board's decision is to be final in regard to voting rights.
 - (v) Ex officio any members of the Council.

- (b) The Fellows, Members and Associates who are to be members of the Board in categories 12.3(a)(ii) and (iii) shall be elected as follows:

Nominations may be made prior to, or from the floor of, the Annual General Meeting of the Faculty. The consent of the nominee must be obtained. The Fellows and Members of the Faculty shall then vote by secret ballot for their representatives and the Associates of the Faculty shall vote by secret ballot for their representatives. If a tie for the last place results in either ballot then a further ballot by show of hands or by secret ballot if requested by one of the tied nominees, shall be held between the tied nominees.

- (c) (i) Meetings shall be held at least once a year as required.
(ii) At any meeting of the Board 50% of the elected members of the Board shall constitute a quorum.
- (d) The Board of the Faculty shall:
- (i) Keep minutes of each meeting of the Faculty Board and its committees.
(ii) Forward to the Deputy President of the Council via the Central College office a copy of the minutes of each meeting of the Faculty and the Faculty Board.
(iii) Ensure that the regulations of the Faculty and the Rules and Regulations of the Council of the Royal New Zealand College of General Practitioners are observed.
(iv) Promote the continuing education of its members and to foster research in general practice.
(v) Carry out any duties delegated to it by the Council.

12.4 Executive Committee of the Faculty

- (a) Each Faculty may have an Executive Committee.
- (b) If established, the Executive Committee will comprise the following:
- (i) The Chairperson of the Faculty Board;
(ii) The Honorary Secretary;
(iii) The Honorary Treasurer;
(iv) The Faculty Representatives on the Council of the College; and
(v) The immediate past Chairperson.
- (c) The Executive Committee if established shall act on behalf of the Board between meetings of the Board and shall submit a comprehensive report to each Board meeting.

12.5 Meetings

(a) Annual General Meeting

- (i) The AGM shall be held during the three (3) months following the 31st of March in each year.
(ii) Fourteen (14) days' notice of the Annual General Meeting shall be given in writing to each member of the Faculty. Such notice shall give the time and place of the meeting and the agenda.
(iii) The quorum shall be ten (10).
(iv) Voting shall be by voice or show of hands except when one quarter of those present request a secret ballot. The Chairperson shall have a casting vote in the event of a tie.
(v) The business shall include the election of Faculty representatives on the Council of the College.

(b) Ordinary General Meetings

General Meetings:

- (i) Shall be held when and where called by the Board.
(ii) At least seven (7) days' notice in writing shall be given to each member of the Faculty clearly stating the business of the meeting. Clinical or other medical discussions may be included

(c) **Special General Meetings**

- (i) Special General Meetings may be called by the Board or must be called upon receipt of a requisition signed by ten (10) members.
- (ii) Seven (7) days' notice in writing shall be given to each member of the Faculty stating the exact terms of the motions proposed. No other business may be discussed.
- (iii) The quorum shall be ten (10).
- (iv) A resolution to be passed shall require not less than a two-thirds majority of those present with voting rights.

12.6 Faculty Committees

- (a) Each Faculty Board may create such other committees, as it deems necessary.
- (b) Each Board shall, at its first meeting after the Annual General Meeting of the Faculty, appoint from amongst its own members or the membership of the Faculty, Chairpersons for the committees, which the Board has deemed it necessary to create.
- (c) Each Chairperson will appoint his or her own committee subject to the approval of the Board.
- (d)
 - (i) Each Faculty Board shall appoint two Fellows as a Faculty Awards Committee.
 - (ii) Each Fellow to be appointed for a term of two (2) years, such terms to terminate in alternate one (1) year periods.
 - (iii) The Faculty Awards Committee shall meet at least once annually to:
 - (1) Consider any nominations.
 - (2) Consider all members of their Faculty for possible nomination for College and civil honours.
 - (3) Forward to the Awards Committee all nominations with their signed recommendations.
- (e) Every Faculty committee shall appoint a secretary from amongst its members who shall keep accurate minutes and forward the same to the Honorary Secretary of the Faculty before each meeting of the Board.

13. NOTICES

- 13.1** (a) Notice of every General Meeting shall be given in the manner prescribed by Rule 13 to:
- (i) Every member except those members for whom the College has no registered address or other address for the giving of notices to him/her; and
 - (ii) The auditor or auditors for the time being of the College.
- (b) No other person shall be entitled to receive notices of General Meetings.
- 13.2** (a) In all other cases where a notice is required to be served on a member by the Rules such notice may be given by serving it on the member personally or by sending it by post to the member at his/her registered address or the address of any supplied by him/her to the College for the giving of notices to the member.
- (b) Where a notice is sent by post, service of the notice shall be deemed to be effected by properly addressing, prepaying and posting a letter containing the notice, and to have been effected, in the case of a notice of a meeting, on the second day after the date of its posting, and, in any other case, at the time at which the letter would be delivered in the ordinary course of post.
- (c) Notwithstanding the foregoing, if a member has supplied to the College an email address or facsimile number for the service of notices on the member, then any notice may be served by the College on that member by email or facsimile.
- (d) A notice sent by email (provided the addressee's answer back is received by the sender following the message) or by facsimile (provided a status report is received by the sender which shows the notice has been transmitted) shall be deemed served immediately upon completion of sending if such completion is within business hours in the place where the

addressee's email or facsimile machine is located, but if not, then at 9 am next occurring during business hours at such place.

- (e) For the purposes of this Regulation, "business hours" means from 9 am to 5 pm on a day on which the major trading banks are open for business at the place or in the postal district where the addressee's telex or facsimile machine is located.

14. PROCEDURE FOR A POSTAL BALLOT

14.1 When a postal ballot is required by the College or a Faculty, the following procedure shall apply:

(a) Returning Officer

- (i) Unless the Council resolves otherwise, the Chief Executive Officer of the College is the Returning Officer for a postal ballot of the College.
- (ii) Unless the Faculty Board resolves otherwise the Honorary Secretary of the Faculty is the returning officer for a postal ballot of the Faculty.

(b) Preparation of ballot paper

- (i) The Returning Officer must prepare a ballot paper that sets out:
 - (1) For an election, the candidates; or
 - (2) For a resolution, the proposed resolution.
- (ii) The Returning Officer must also prepare an information sheet that sets out:
 - (1) Instructions for completing the ballot paper; and
 - (2) The closing date of the postal ballot.
- (iii) For an election, the Returning Officer must determine by lot the order in which the candidates appear on the ballot paper.
- (iv) All voting in College elections shall be on a preferential basis

(c) Postal Vote

- (i) A Secretary of the College or the Faculty must give to the Returning Officer a list of members eligible to vote in the election or on the proposed resolution.
- (ii) The Returning Officer must post:
 - (1) A ballot paper;
 - (2) An information sheet; and
 - (3) An envelope marked "voting paper" addressed to the Returning Officer with a space for the member to insert his/her name, signature and membership number, to each member referred to in Regulation 14.1 (c)(i) at the address set out in the Registry of Members.
- (iii) Any member exercising a right to vote must:
 - (1) Complete the ballot paper in accordance with the instructions;
 - (2) Place the ballot paper in the envelope marked "voting paper"; and
 - (3) Post the envelope to the Returning Officer.
- (iv) Any ballot paper not received by 4.00pm on the closing date referred to in Regulation 14.1(b)(ii)(2) is informal.

(d) Procedure after close of ballot

- (i) The Council may appoint at least two (2) scrutineers to observe the sorting, counting and recording of ballot papers.
- (ii) Upon receiving such envelope the Returning Officer must mark off the name of each member appearing on each envelope against the list of members referred to in Regulation 14.1(c)(i).

- (iii) If:
 - (1) A name does not appear in the space provided on the envelope; or
 - (2) The name that appears is not on the list referred to in Regulation 14.1(c)(i), the Returning Officer must reject the envelope.
- (iv) If the name on the envelope is on the list, the Returning Officer must extract the ballot paper and place it in a box.
- (v) After the Returning Officer opens or rejects every eligible envelope, the Returning Officer must count the votes.
- (vi) The counting of votes and allocation of preferences shall be carried out in accordance with the procedures established from time to time by the New Zealand Electoral Commission in respect of voting in the Parliament of New Zealand.
- (vii) After counting the votes, the Returning Officer must sign a declaration stating:
 - (1) The number of eligible ballot papers received;
 - (2) The number of formal votes;
 - (3) The number of informal votes; and
 - (4) (a) for an election the number of votes for each candidate; and
(b) for a resolution, the number of votes for and against the proposed resolution.
- (viii) The Returning Officer must deliver the declaration to the President (or the Chairperson of the Faculty Board) who shall announce the information contained in the declaration to the Council (or the Faculty Board). The Returning Officer must arrange for that information to be published in Faculty newsletters and other relevant College publications.
- (ix) If there is an equality of votes:
 - (1) For an election, the person to be elected must be decided by lot: and
 - (2) For a resolution, the Chairman of the Council or the Faculty Board has an additional casting vote.
- (x) The Returning Officer must destroy the ballot paper two (2) months after the declaration of the ballot.

15. PROCEDURE FOR PROXY VOTING

15.1 When a member wishes to vote by proxy the following procedure shall apply:

- (a) Members may appoint another member to vote on their behalf (the person so appointed is the "proxy holder")
- (b) Members must fill in a "proxy paper" to provide written proof of appointment of the proxy holder.
- (c) Proxies can only be expressed and considered operative in the absence of the "proxy donor" (the member).
- (d) It is immaterial whether the number of proxy votes is greater than the number of personal votes.
- (e) Proxy holders are not to be counted as part of the quorum for the meeting.
- (f) Proxy papers that leave the name of the proxy holder blank will not be accepted.
- (g) Where there are motions on notice or contested elections the proxy donor shall indicate to the proxy holder on the proxy paper how they wish them to vote on their behalf.
- (h) Amendments to notices of motion will not render proxies invalid.
- (i) Proxy papers should be vetted by the Deputy President to ensure eligibility to vote.
- (j) The RNZCGP National Office will stipulate a time by which proxy papers must reach the organisation for them to be effective.

15.2 The proxy paper should read:

I....., being a member of the Royal New Zealand College of General Practitioners, hereby appoint.....to vote as my proxy at the Annual [or Special – whichever is appropriate] General Meeting to be held on [date] and at any adjournment thereof.

Where Rule 15.1 (g) applies:

In favour of..... Motion No. 1

Against.....

In favour of..... Motion No. 2

Against.....

Etc.

Signature

Date