
SUSPENSION OR TERMINATION OF APPOINTMENT TO REPRESENTATIVE POSITIONS

REGULATION

PURPOSE

This regulation has been established by the Board of the Royal Australasian College of Medical Administrators (RACMA) to guide the suspension and/or removal from office of certain persons who breach the Code of Conduct in relevant circumstances.

The Code of Conduct applies to any person who is an officeholder or a member of a RACMA Committee including a Jurisdictional Committee or any other committee established by the Board and/or required or authorised by RACMA's constitution, when they are or could reasonably be perceived to be representing RACMA or representing and acting on behalf of RACMA or in circumstances that would reasonably be associated with their RACMA role (a RACMA position).

This regulation applies in all circumstances in which the Code of Conduct applies, except the following:

- Cessation of appointment as a Director of RACMA (refer clause 11.19 of the RACMA constitution)
- The employment of a person by RACMA.
- Cessation or suspension of Membership of RACMA (refer clause 9 of the RACMA constitution).
- The imposition of conditions on Membership other than as specifically provided for in this regulation (refer clause 9 of the RACMA constitution).

Nothing in this regulation affects or prejudices any other powers or functions of RACMA or any of its officers in relation to the matters referred to in clause 3.

REFERENCES

The following documents relate to this regulation and should be read in conjunction with it:

- RACMA Constitution 2009.
- RACMA Handbook.
- RACMA Code of Conduct.
- RACMA Policy: Review of decisions of the Board and its committees.

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The RACMA constitution vests the powers, functions, management and control of the affairs of RACMA in the Board. The constitution allows the Board to make, vary and rescind policies and regulations from time to time.

SUSPENSION OR REMOVAL FROM OFFICE

Without limiting its discretion, the Board may suspend or terminate the appointment of a person who holds a RACMA position, if:

- in the opinion of the Board:
 - they have failed to comply with the requirements of the Constitution and/or any rules, regulations or policies of RACMA;
 - they have failed to perform the duties of the office or position (whether evidenced by failure to attend or appropriately participate in meetings for a substantial period or otherwise);
 - they have abused any rights, privileges or obligations conferred upon them by virtue of holding the position, or are perceived to have done so;
 - they have engaged in:
 - unprofessional or unbecoming conduct;
 - conduct which is or may be prejudicial, adverse or damaging to the interests of RACMA;
 - conduct which has brought, or may bring, RACMA into disrepute; or
 - conduct which conflicts or may conflict with the interests, objects and/or affairs of RACMA;
- they have failed to maintain registration with the Medical Board of Australia, when required by law to do so;
- any materials or evidence provided by them or upon their behalf upon which any decision to appoint them to the relevant office or position are found to be false or misleading in a material particular;
- they have been charged with and/or are convicted of an indictable offence;
- they have been charged with and/or convicted of an offence under, or in breach of, any code, regulation or enactment which applies to them as a practising medical practitioner;
- a medical board, medical tribunal, registration authority or similar body has initiated an investigation or inquiry into their conduct or made an adverse finding against them;
- they become bankrupt;

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- they have been prohibited from being a director of a company by reason of any order made under a law of a state or territory or the Commonwealth of Australia or New Zealand;
- they have conditions imposed on their registration as a medical practitioner.

The Board is not obliged to give reasons for suspending or terminating the appointment of any person in accordance with this regulation.

The Board may determine that a person whose appointment has been suspended or terminated in accordance with this regulation is ineligible for appointment or continuation of appointment to another RACMA position for such period of time as the Board, in its absolute discretion, may determine.

PERIOD OF SUSPENSION

The Board may, in its absolute discretion, determine a period of suspension it deems appropriate having regard to the circumstances, or may suspend an appointment indefinitely.

BOARD MAY ISSUE A WARNING

Without being obliged to do so or limiting the Board's other powers and discretion, the Board may issue a warning letter to a person who in the opinion of the Board has breached the RACMA Code of Conduct.

The warning letter may identify the Board's concerns about the person's conduct, or events or circumstances that have come to the attention of the Board which may give rise to suspension or termination of the person's appointment in accordance with the RACMA constitution and this regulation.

The issuing of a warning letter by the Board will not:

- require the Board to take any further action or do any thing; or
- prejudice the rights of the Board or RACMA in respect of any action, step, claim or demand made in connection with the termination or suspension of the appointment of the person.

APPLICATION FOR REINSTATEMENT

Any person whose appointment has been suspended or terminated under this regulation may apply to the Board in writing to have the suspension lifted or to be reappointed.

At the time of making an application for the suspension to be lifted or for reappointment, the applicant must provide the Board with a written statement that:

- includes a detailed account of the relevant conduct and practice of the applicant since the

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time of suspension or termination of appointment;

- specifies any mitigating circumstances;
- if relevant, specifies 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;
- 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
- states why, in the applicant's opinion, the suspension should be lifted or the applicant should be reappointed; and
- provides such other information as the Board may require.

In response to an application for reinstatement, or on its own volition, the Board may:

- convene, or seek to convene, a meeting with a person whose position has been suspended or terminated under this regulation, to discuss the potential for lifting of a suspension or reappointment. Any such meeting shall be held and conducted on such terms and conditions as the Board in its absolute discretion may determine from time to time;
- impose conditions on any lifting of a suspension or reappointment; and/or
- notify an applicant of the grounds upon which their application for lifting of a suspension or reappointment has been rejected or approved, but is not obliged to do so.

If the Board convenes a meeting the Board must give due consideration to any written statement submitted by the applicant.

APPEAL

A person who has been directly and adversely affected by a decision of the RACMA Board under this regulation may apply for the decision to be reviewed under RACMA's policy: Review of decisions of the Board and its committees.

INTERPRETATION

In this regulation:

- unless the contrary intention appears:
 - where a capitalised word or phrase is defined in the RACMA constitution the word or phrase has the same meaning;

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- words importing the singular include the plural, and words importing the plural include the singular; and
 - 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);
 - "College Faculty" means the collective of Members engaged in education, training, training support and assessment;
 - "Jurisdictional Committee" means a committee established in accordance with clause 15.6 of the RACMA constitution;
 - "RACMA Committee" means any committee established by the Board and/or required or authorised by RACMA's constitution to be established (including Jurisdictional Committees); and
 - headings and boldings are for convenience only and do not affect its interpretation.

In the event of an inconsistency between this regulation and the constitution, the constitution will prevail to the extent of the inconsistency.

This regulation comes into operation on the date it is approved by the RACMA Board and continues to apply until it is revised, replaced or rescinded by the Board.

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