



**Raising Standards – Protecting Patients**

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## **By-Laws of the Australasian College of Cosmetic Surgery and Medicine**



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## Introduction

Under Article 28 of the Constitution, the Council has the power to make such by-laws as in the opinion of the Council are necessary and desirable for the proper control, administration and management of the College's membership operations, finances, interests, effects and property and for the contributions, duties, obligations and responsibilities of qualified members. These By-Laws set out:

- (a) The code of conduct and practice with which qualified members must comply;

Membership applications and requirements;

- (b) Conduct of the Board of Censors.

## 1. Definitions

Unless defined below, a word or phrase used in these By-Laws which is defined in the Constitution has the same meaning as in the Constitution.

In these By-Laws:

**"Applicant"** means an applicant for membership as a Member or Fellow of the College.

**"Board of Censors"** means the Board of Censors of the College established in accordance with Article 18.1 of the Constitution.

**"Censor-in-Chief"** means a Council Member appointed to that position in accordance with Articles 15.3, 15.4 and 15.5 of the Constitution.

**"Censor"** means a member of the Board of Censors.

**"College"** means the Australian College of Cosmetic Surgery and Medicine Limited ACN 086 383 431 whatever its name may be from time to time.

**"Constitution"** means the constitution of the College as amended or substituted from time to time.

**"Cosmetic Medicine"** means that branch of medicine which is concerned with those medical and non-surgical procedures which are performed to reshape the normal structure of the body, or to adorn the body, with the aim of improving the consumer's appearance and self esteem.

"**Cosmetic Surgery**" means any surgical procedure which is performed to reshape normal structure of the body, or to adorn the body, with the aim of improving the consumer's appearance and self-esteem.

"**CPD**" means Continuing professional development program.

"**Faculty**" means a faculty established under Article 6.7 of the Constitution.

"**FRACS**" means a Fellow of the Royal Australasian College of Surgeons.

"**Medical Registration**" means registration as a medical practitioner

" **Member**" means a person who is an Associate Member or Fellow of the College.

## 2. Code of Conduct

Qualified members must:

- (i) Practise with integrity and honour, in the best interests of their patients, with the patient's safety and quality of care being of the highest concern;
- (ii) Conduct their professional affairs in accordance with all applicable laws and ethics and in a manner that upholds the good reputation of the medical profession; and
- (iii) Strive for the furtherment of the speciality of cosmetic or aesthetic surgery through research and development and ensure the maintenance of the highest standards through continued medical education and training.

## 3. Accreditation and Related Matters

### 3.1 Categories of Membership

The categories of membership of the College and the qualifications required for membership of these categories are as follows:

#### **Associate Member**

An Associate Member is a member of the College who is in the course of participation in a College-approved training program for Fellowship of one of the College faculties. An Associate Member is not entitled to vote or sit on the Council.

#### **Fellow**

A Fellow is a Member of the College who has successfully completed all components of the Cosmetic Surgery and/or Cosmetic Medicine training program requirements.

### 3.2 Application of Membership as an Associate Member

- (a) All persons seeking membership as an Associate Member of the College must meet the below eligibility the requirements set out in this clause 3.2; and lodge an application on the relevant form (obtainable from the College).
- (b) The requirements which must be met to be accredited as an Associate Member of the College are:
  - I. Current Medical Registration
  - II. Be credentialed by the Board of Censors in accordance with the regulations and bylaws of the college as amended from time to time  
and,
  - III. Be accepted into the Cosmetic Surgery or Cosmetic Medicine Training program.

### 3.3 Application of Membership as a Fellow

All persons seeking membership as a Fellow of the College must have successfully completed all components of their training program (either in cosmetic surgery or cosmetic medicine) as ratified by the Deans.

### 3.4 Application Fees

Until otherwise determined by the Council, pursuant to Article 9.1 of the Constitution, the application fees for the categories of membership are available on application from the College as determined by the Council from time to time.

### 3.5 Assessment of Applications

Applicants who wish to become Fellows of the Faculty of Medicine of ACCSM must be or have one of the following:

- MBBS or equivalent registrable qualifications;
- 3 years minimum full time as a registered medical practitioner;
- Dermatologist without surgical experience;
- FRACP or equivalent;
- Undertake written or oral examinations

Applicants for Fellowship of the Faculty of Medicine ACCSM will then be required to sit an exam which shall consist of a written and oral examination in the current approved modalities of Cosmetic Medicine.

### 3.6 Register of the Members

Once membership has been approved the name of the Fellow will be added to the relevant

Faculty Register of the College. The Fellow's name will then be included along with all other Fellows for the Faculty and the Register will be available to the public.

A Fellow's name may be suspended or removed from such Register by order of the Council when continued registration would be misleading, deceptive or inaccurate, or after due disciplinary proceedings of the College have recommended suspension or removal.

## 4. Board of Censors

### 4.1 Election of Censors

The terms of the members of the BOC are two years, although may vary depending on when the annual general meeting falls. Members may serve multiple consecutive terms, subject to approval by the Council.

### 4.2 Nomination for Election

The terms of the members of the BOC are two years, although may vary depending on when the annual general meeting falls. Members may serve multiple consecutive terms, subject to approval by the Council.

Each candidate for election as a Censor must:

- Be proposed by a Council Member; and
- Be a current financial qualified member of the College.

A nomination of a candidate for election as a Censor must:

- Be in writing;
- Be signed by the candidate; and
- Be signed by the proposer.

A nomination of a candidate for election must be received at the registered office of the College no later than 5pm on the day, which is 30 days prior to the meeting of the Council at which the candidate is proposed to be elected.

A list of the candidates' names in alphabetical order, together with the proposers' names must be sent to the Council Members with the notice of the meeting of the Council.

Any candidate nominated for election as a Censor must disclose to the Council all memberships of any other professional bodies that the candidate may hold. Failure to do so will result in removal from the Board of Censors.

### 4.3 Election Procedure – Censor

(a) If the number of candidates for election as Censors is equal to or less than the number of

vacancies to be filled; the chairperson of the meeting of the Council must declare those candidates to be duly elected as Censors.

- (b) If the number of candidates for election as Censors is greater than the number of vacancies to be filled at the meeting, a ballot must be held at the meeting for the election of the candidates.
- (c) If a ballot is required to decide those to be elected to Board of Censors, balloting lists must be prepared listing the names of the candidates in alphabetical order and no other order.
- (d) At the meeting of the Council each person entitled to vote and voting on the ballot must cast the number of votes equal to the number of vacancies, but (subject to paragraph (b)) no person so voting may cast more than one vote in favour of each candidate.
- (e) The number of candidates equal to the number of vacancies who receive a greater number of votes cast in their favour must be declared by the chairperson of the meeting to be elected as Censors.
- (f) In the case of an equality of votes preventing one or more vacancies to be filled the chairperson, prior to the declaration of the result of the ballot, is entitled to a number of casting votes equal to such number of vacancies, provided that if that process:
  - (i) Does not resolve the situation; or
  - (ii) The chairperson is one of the persons in respect of whom there is an equality of votes,

Then those persons who have received the greatest number of votes must be declared by the chairperson to be elected as censors following which a further ballot in accordance with the clause must be held forthwith for the remaining vacancies.

#### 4.4 Members of the Board of Censors

Members to the BOC are appointed to reflect the broad area of the Scope of Practice of Cosmetic Medical Practice. Such a scope shall include but is not limited to elements of facial surgery, body contouring surgery, liposuction, breast surgery, dermatology, laser and light therapies, Cosmetic Medicine.

Each member of the Board of Censors must be a Fellow or Member of the College and elected by Council. The Board of Censors shall consist of a minimum of 4 persons. In appropriate circumstances the Board may seek external advice.

#### 4.5 Duties

The Board of Censors (including the Deans) will assist the Censor in Chief and/or his nominated representatives to:

- (a) To assess applications for procedure registrations according to the requirements and guidelines set out in the By-Laws or the directions from time to time made by the Council, and hand down a consensus decision (suitable or unsuitable).
- (b) To provide strategic direction for the training programs, this includes:
  - Develop and review policies, processes, standards, guidelines, and resources for all aspects of the Training Programs and, where appropriate, consider applications associated with these policies.

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- Oversee the delivery and implementation of the curriculum learning outcomes, teaching and training and assessment strategy.
  - Support the censor in chief and other examiners and oversee the standards, integrity, and deliverability of the Examinations.
  - Monitor the performance and progression of trainees through the entire training program.
  - Facilitate appropriate utilisation of performance and progression and remediation processes, and review and approve trainee remediation plans.
  - Consider recommendations for trainees to be withdrawn from the training program.
  - Assess suitability and appoint members to various educational and training roles, including Examiners, preceptors and provide appropriate training and support for members to be successful within these roles.
  - Approve the accreditation of training sites, amend the accreditation status of training sites and/or impose any conditions.
  - Monitor and evaluate all elements of the training program.
  - Consider the de-identified results from site, trainee surveys, preceptor surveys and feedback from key stakeholders of the training program, and implement improvements as required.
    - (c) To assess and allocate or decline according to such requirements, guidelines, and directions new applicants for membership in relation to the categories specified in clause 3.1 of the By-laws as considered appropriate.
    - (b) To assess candidate applications for college training programs and make recommendations, and By-Laws.
    - (c) To assess applicants seeking admission to a Faculty of the College according to the guidelines set out by these By-Laws and make a recommendation to the Council.
    - (d) To provide program oversight for the ACCSM CPD Program. This includes:
  - Regularly reviewing the aims, content, structure, and definitions of the Continuing Professional Development (CPD) Program for Cosmetic Surgery and Cosmetic Medicine, to ensure that the CPD program meets the requirements of regulatory bodies such as the Medical Council of New Zealand (MCNZ) and the Medical Board of Australia (MBA) and report, as required.
  - Management of random audit processes, assessment, and outcomes for CPD.
  - Ensure that the program is being regularly and effectively evaluated.
  - Consider exemptions and variations to CPD.



- Provide specific clinical advice to members seeking support to identify CPD activities within their scope of practice.
- Provide advice and support to members requiring remediation training.
- Provide oversight of accreditation of external courses including the development, implementation, and review to ensure continuous quality improvement of the professional development of members.
  - (a) To oversee the Reconsideration, Review, and Appeals process of the College as it relates to training and CPD.
  - (b) Be responsible for the recognition of prior learning process and outcomes.

#### 4.6 Meetings of Board of Censors

The Board shall convene at least four (4) times annually.

#### 4.7 Quorum for Meetings of Board of Censors

- (a) The Board of Censors may determine the quorum necessary for the exercise of the Board of Censors' authorities, powers and discretions under these By-Laws, but not less than two-thirds of their number present in person or by proxy from time to time is required.
- (b) A meeting of the Board of Censors during which a quorum is present is competent to exercise all or any of the authorities, powers and discretions under these By-Laws for the time being vested in or exercisable by the Board of Censors generally.
- (c) For the purposes of determining whether a quorum is present, a Censor who is present and who holds formal proxies from other Censors may be counted for each of his or her proxies as well as in his or her own right.

#### 4.8 Convening Meetings of Censors

A Censor may at any time and the Censor-in-Chief will on the request of a Censor convene a meeting of the Censors.

#### 4.9 Notice of Meetings of Censors

Twenty-one days' notice of every Board of Censors meeting will be given to each Censor, except in the case of an urgent matter when the Censor-in-Chief may authorise a meeting of Board of Censors on a minimum of seven days' notice.

(Notice of a meeting of Censors may be given in writing or by radio, telephone, closed-circuit television or other electronic means of audio or audio-visual communication.

#### 4.10 Meetings by Electronic Means

- (a) Without limiting the discretion of the Board of Censors to regulate their meetings under clause 4.6, the Board of Censors may, if they think fit, confer by radio, telephone, closed circuit television or other electronic means of audio or audio visual communication.
- (b) Notwithstanding that the Censors are not present together in one place at the time of the conference, a resolution passed by such a conference will be deemed to have been passed at a meeting of the Board of Censors held on the day on which and at the time at which the conference was held.
- (c) A Censor present at the commencement of the conference will be presumed to have been present and, subject to other provisions of these By-Laws, to have formed part of the quorum throughout the conference, unless the minutes reflect otherwise.
- (d) Any minutes of a conference of the type referred to in clause 4.10(a) purporting to be signed by the chairperson of that conference or by the chairperson of the next succeeding meeting of Board of Censors will be sufficient evidence of the observance of all necessary formalities regarding the convening and conduct of the conference.
- (e) When by the operation of Article 4.10(b) a resolution is deemed to have been passed at a meeting of the Board of Censors, that meeting will be deemed to have been held at such place as is determined by the chairperson of the relevant conference, provided that at least one of the Censors who took part in the conference was at such place for the duration of the conference.

#### 4.11 Votes at Meetings of Board of Censors

Questions arising at any meeting of the Board of Censors will be decided by a majority of votes of those present in person and by proxy and, subject to the provisions of clauses 4.12 and 4.13, each Censor has one vote for himself and one for each proxy that he or she holds.

#### 4.12 Voting at Board of Censors Meetings

- (a) Voting at Board of Censors meetings of the College may be in person, by telephone, by electronic mail, or by proxy given in writing to a member who is present in person and signed by the absent member.
- (b) Where a proxy is communicated by electronic mail it must be forwarded to the secretariat no less than 24 hours before the time set for the meeting so that the provenance of the electronic mail may be validated.
- (c) Persons voting as proxies must be current financial qualified members of the College other than Associate Members.

#### 4.13 Casting Vote for Chairperson of Board of Censors

In a meeting of Board of Censors the Censor-in-Chief, if present, or in the absence of the Censor-in-Chief, the chairperson elected under clause 4.14(b) will not normally vote (except as a proxy and that except that they will have a casting vote in the event of an equality of votes on any issue).

#### 4.14 Chairperson at Board of Censors Meeting

- (a) The Censor-in-Chief is the chairperson of all meetings of the Board of Censors.
- (b) If at a meeting of the Board of Censors no Censor-in-Chief has been elected as provided by Articles 15.3-15.5 of the Constitution or the Censor-in-Chief is not present within 10 minutes after the time appointed for the holding of the meeting, or is unwilling to act, the Censors present will choose one of their number to be chairperson of that meeting.

#### 4.15 Defects in Appointment or Qualifications of Censor

All acts done at any meeting of the Censors or of a committee of Censors or by any person acting as a Censor will be as valid as if every such person or committee had been duly appointed and every Censor was qualified and entitled to vote, notwithstanding that it is afterwards discovered that there was some defect in the appointment of a Censor or of the committee or of the person acting as aforesaid, or that any Censor was disqualified or not entitled to vote or act.

#### 4.16 Written Resolution of Board of Censors

- (a) If all of the Censors have signed a document containing a statement that they are in favour of a resolution of the Board of Censors in terms set out in the document, a resolution in those terms will be deemed to have been passed at a meeting of the Board of Censors held on the day on which the document was signed and at the time at which the document was last signed by a Censor or, if the Censors signed the document on different days, on the day on which, and at the time at which the document was last signed by a Censor.
- (b) For the purposes of this Article 4.16:
  - (i) 2 or more separate documents containing statements in identical terms each of which is signed by one or more Censors will together be deemed to constitute one document containing a statement in those terms signed by the Board of Censors;
  - (ii) A reference to all the Censors does not include a reference to a Censor who, at a meeting of Censors, would not be entitled to vote on the resolution;
  - (iv) A document signed by the holder of a proxy on behalf of the donor of the proxy need not also be signed by that donor; and

- (iv) Any document so signed by a Censor may be received by the College at the Office (or other place agreed by the Censors) by post, by facsimile or other electronic means or by being delivered personally by that Censor.

#### 4.17 Resignation of Censors

A Censor may resign from office on giving the College or any official of the College notice in writing.

#### 4.18 Removal and Appointment of Censors by General Meeting

The College may by ordinary resolution:

- (a) Remove any Censor; and
- (b) Appoint another qualified member in place of that Censor (who shall hold office until the time when that Censor normally would have retired).

#### 4.19 Suspension of Censor Guilty of Prejudicial Behaviour

- (a) If the conduct or position of any Censor is such that continuance in office or appears to a majority of the Censors to be prejudicial to the interests of the College, a majority of the Censors at a meeting of the Censors specially convened for that purpose may suspend that Censor and will notify the Council forthwith.
- (b) Within 30 days of becoming aware of the suspension, the Council may either confirm the suspension and remove that Censor from office or annul the suspension and reinstate that Censor.

#### 4.20 Vacation of Office of Censor: Automatic

- (a) Subject to the Constitution and these By-Laws, each Censor shall remain in office for the period specified in clause 4.1.
- (b) The office of a Censor is vacated if that Censor:
  - (i) Becomes of unsound mind or a person whose person or estate is liable to be dealt with in any way under the law relating to mental health;
  - (ii) Is absent without the consent of the Censors from all meetings of the Censors held during a period of four months and the Censors resolve that his or her office be vacated;
  - (iii) Resigns the office of Censor in accordance with clause 4.17;

- (iv) Is removed under the provisions of clause 4.19;
  - (v) Becomes bankrupt or suspends payment or liquidates by arrangement or compounds with or assigns his or her estate for the benefit of his or her creditors;
  - (vi) Ceases to be a qualified member;
  - (vii) Breaches any duties imposed by these By-Laws on qualified members; or
  - (viii) Is rendered incapable of practising as a registered medical practitioner by reason of not holding or having or the suspension, cancellation of, or refusal to grant, any form of certificate or approval necessary to practise as a lawfully registered medical practitioner; or
  - (ix) Otherwise is, or becomes prohibited from being a Director of a Corporation by virtue of the Corporations Law.
- (c) The Council shall be entitled to appoint without election another qualified member to fill any vacancy occurring pursuant to clause 20(b) (who shall hold office until the time when the person who held the office vacated normally would have retired).

## 5. Patient Consultation

### 5.1 Guidelines re Consultations

Each Fellow must comply with each of the components set out in this clause.

### 5.2 Medical Evaluation

Each Fellow must:

- (a) Obtain a thorough medical history from each patient;
- (b) Conduct appropriate physical examination and investigations to ensure patient's suitability for surgery and identification of possible risk factors or indicators of poor outcome; and
- (c) Maintain detailed notes of the results of (a) and (b).

### 5.3 Psychological Evaluation

Each Fellow must:

- (a) Conduct a psychological assessment of the patient with establishment of appropriate motivations for surgery and identification of possible psychological risk factors or indicators of possible poor outcome; and
- (b) Maintain detailed notes of the results of such an assessment.

### 5.4 Patient Education

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Each Fellow must provide to each patient the following information in relation to the relevant procedure (whether the procedure is requested by the patient or recommended by the qualified member).

- (a) How the procedure is performed.
- (b) The post-operative course and expected recovery time.
- (c) Possible alternative treatment where appropriate.
- (d) A discussion of possible complications and side-effects, their frequency and severity.
- (e) A comment on expected realistic outcome.

### 5.5 Post-Operative Care

Each Fellow must:

- (a) Provide full and adequate post-operative care for their patients, including provision for emergency after-hours care. The post-operative surveillance should be appropriate for the magnitude of the surgery performed and to allow for early detection of and intervention in adverse outcomes;
- (b) Provide adequate on-going care, either by his or her own assessment and correction or by appropriate referral.

### 5.6 Advertising

The members of the College are expected to comply with the advertising codes as set out by AHPRA.

Subject to all relevant laws from time to time governing, no qualified member shall conduct or procure the conducting of any advertising which:

- (a) Improperly denigrates the business work or reputation of any other member or members;  
or
- (b) Is liable to mislead the public as to the availability nature, characteristics or suitability for their purposes of any service or facility; or
- (c) Breaches any laws, regulations or guidelines which may from time to time be in forces for the proper regulation or sub-specialty.

### 5.7 General Conduct

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The Qualified Members of the College must conduct their professional affairs with honour and integrity and in a manner that upholds the good reputation of the College.

## 6. Continuing Professional Development

### 6.1 CPD Requirement

Each Fellow must undertake CPD in accordance with this clause 8 to increase, maintain and develop the knowledge and skills needed to provide effective and safe patient care in Cosmetic Surgery (in the case of a Fellow) or Cosmetic Medicine (in the case of a Member).

Mandatory and recommended activities are maintained and published in the *ACCSM CPD Handbook*. CPD activities must total a minimum of 50 hours per annum in the following categories:

1. Educational activities – 12.5 hours minimum, 25 hours maximum
2. Reviewing Performance and Measuring Outcomes – 25 hours minimum including:
  - (a) Reviewing Performance – minimum 5 hours,
  - (b) Measuring Outcomes – minimum 5 hours including a peer reviewed audit activity.

## 7. Failure to Comply

### 7.1 Suspension

The Council may suspend the registration of any Fellow who fails to duly comply with any of the requirements of clauses 5, and 6 of these by-laws, and may have his or her name removed from the relevant registers. A notice will be posted to that effect on the College website.

### 7.2 Time to remedy matter leading to suspension

A suspension under clause 9.1 shall initially operate for a period of 14 days or such greater period as the Council in its sole discretion may allow to enable the Fellow or Associate Member concerned to cure the failure within the time concerned and if this occurs the suspension shall become annulled. If the failure is not so cured the suspension shall continue indefinitely and these factors shall be grounds under the Constitution for termination of the membership of the College of the Member or Fellow concerned.

## 8. Complaints and Appeals

Fellows, Associate Members or applicants for Fellowship or Associate Membership who wish to appeal decisions or council should do so as per the College's Reconsideration, Review and Appeal of Decision Policy, available on the college website.