

### Purpose

This Regulation determines the rules and procedures for the election of the Royal Australian and New Zealand College of Psychiatrists' (**RANZCP**) Board, including President-Elect, Elected Directors, and Appointed Directors.

The purpose of this document is to:

- a) provide a fair and transparent process for College Fellows' participation in the election and appointment of Elected Directors and Office Bearers.
- b) apply democratic and collegiate principles to the nomination, election and appointment of Elected Directors and Office Bearers.
- c) provide guidance for the election and appointment of appropriately qualified Fellows of the College to the role of President-Elect and Elected Director, and
- d) provide guidance for the appointment of a trainee and independent member (as determined by the Board) to the roles of Appointed Directors.

When undertaking Board elections and appointments, the RANZCP Constitution, Board Regulations, and Board Election Campaign Activities Policy should be read in conjunction with this Regulation.

This Regulation shall prescribe the nomination and election process. Minor procedural or administrative errors may occur from time-to-time but will not impact the validity of the election.

### Background

The Board (**Board**) of the RANZCP is the governing body of the College. It has statutory responsibilities in accordance with the Corporations Act 2001, the Australian Charities and Not-for-profits Commission (**ACNC**) Act 2012, the RANZCP Constitution, and its Regulations.

The Board is elected or appointed in accordance with the RANZCP Constitution, Board Regulations, and Board Election Regulations, with each member of the Board being a Director of the Company.

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## Section A: Election of the President-Elect and Elected Directors

### 1. RANZCP Board Composition

In accordance with Article 9.1 of the Constitution, the Board shall consist of a minimum of seven RANZCP Fellows, one of whom must be from New Zealand and one of whom must be from Australia.

The Board positions include:

- President
- President-Elect
- A minimum of five Elected Directors.

The Board may also appoint up to two Appointed Directors to fill identified skill gaps.

### 2. Election Eligibility

Refer to the Position Description for President, President-Elect, Elected Director and Appointed Directors for selection criteria and desirable qualities.

Fellows are not eligible for nomination or appointment if:

- a) There has been a finding of professional misconduct, unprofessional conduct or impairment by the College, an Authority as defined by the Constitution, or they are the subject of a complaint which has the capacity to bring the College into disrepute.
- b) Their membership has been terminated by the College, they are not a current financial member of the College or are non-compliant with Continuing Professional Development requirements.
- c) They have been disqualified from being a company director or person, in any jurisdiction.
- d) Do not accept the College's terms and conditions by which the election will be delivered.

Refer to Section 5.1 of this Regulations for the processes undertaken to confirm compliance with the above.

### 3. Election Code of Conduct

By participating in a RANZCP election, candidates agree to uphold the dignity of the office they aspire to and follow all relevant regulations, policies and associated documents.

Candidates:

- Are expected to campaign within responsible, sensible limits, and to ensure a spirit of collegiality and essential fairness prevails.
- Hold the responsibility to ensure that their supporter(s) comply with all relevant election policies and regulations.
- Have an equal opportunity to promote themselves.
- And their supporters, shall not coerce, harass or intimidate voters, other candidates or College staff.
- Must not make any adverse comment about, or refer to, another candidate nor to another candidate's campaign.
- Must maintain respectful, professional, and follow appropriate standards of, behaviour at all times whether engaging on social media platforms or members and staff, ensuring communication aligns with the College's values, ethical standards, and the Code of Conduct.
- Must maintain the confidentiality, integrity and good standing of the election and its process and the College and not bring the election or the College into disrepute.

#### **4. Nomination and Advertising Procedure**

Nominations will be called for from the Fellowship, in accordance with the election timeline. Fellows who fulfil the selection criteria, as outlined in the relevant Position Description, may be eligible to stand for election to the Board.

All nominations must be on the prescribed Nomination Form and must be submitted by the candidate and supported by two College Fellows. Current and/or previous College Board Directors may propose or second a candidate's nomination.

The candidate's completed nomination form must be submitted together with their:

a) CV (Resume)

- Up to 2 pages (Arial 11pt) containing a mobile number and an email address that will be published so that Fellows may contact the candidate.

b) Supporting Statement

- Up to 1200 words (Arial 11pt) containing a mobile number and an email address that will be published so that Fellows may contact the candidate.
- The Statement should outline the candidates:
  - relevant skills and experience and any relevant applicability to the Board;
  - their suitability for the position;
  - how they meet the expected skills of a Director;
  - the values that they can add to the Board; and
  - any other relevant information in support of their candidacy.

c) Candidate's photo

- High resolution passport style in jpg format.

d) Disclosure Statement

- Candidates must provide a disclosure of financial interests and conflicts of interest which may conflict, or be perceived to conflict, with their potential role as a Director of the College.

For privacy purposes, candidates CV, supporting statement or any nomination documentation must not include the candidates date of birth or personal/referee details. Candidates' nomination documents will be published on the College's website and publications, and the election provider's website.

Nominations must be submitted to the Election Officer by the stipulated date. It is the responsibility of the candidate to ensure their nomination complies with these Regulations. If the nomination does not meet the criteria outlined above, the nomination will not be accepted.

#### **5. Nomination Review Process**

##### **5.1. Review Steps:**

The College will check each nomination for eligibility and compliance with the Position Description and Section 2 of this Regulation. This will occur via the following processes:

- a) The Election Officer confirms all required documents (CV, statement, photo, disclosure) are submitted and meet the criteria.
- b) General Counsel checks College records for findings of misconduct or impairment.
- c) College reviews internal and public records for complaints that could damage its reputation.
- d) Membership and CPD status are verified. If not compliant, candidates must show CPD compliance via another CPD Home.

- e) Candidates are checked against ASIC, NZ Companies Office, and ACNC disqualified registers.
- f) Nomination forms are checked for acceptance of election terms and conditions.

If a candidate fails to meet eligibility or the selection criteria, the CGC is notified.

The CGC reviews all documentation and findings to decide if a candidate can proceed:

- If documents are incomplete, the College will try to help the candidate fix them before the deadline. If unresolved, the CGC is informed.
- Candidates listed on banned registers or who haven't accepted terms are automatically ineligible.
- Any adverse findings (misconduct, complaints, CPD issues) are reported to the CGC.

If a member of the CGC has a conflict of interest, they shall declare the conflict and may be excluded from any CGC discussions in relation to the nomination and election processes.

Once confirmed by the CGC, compliant candidates will be acknowledged by the Election Officer via email. Ineligible candidates will receive written reasons for rejection from the Company Secretary.

## **6. Close of Nominations**

Any nomination received after the official closing date for nominations will be declared invalid and will not be accepted.

Any candidate that is elected, in accordance with Article 9.1 of the Constitution, prior to the remote ballot taking place will be published on the website and in relevant publications.

The College's external election provider will conduct the random draw (double blind) to determine the order of the candidate's names on the ballot paper and in election material and communications.

## **7. Insufficient Nominations**

If nil nominations are received by the College for any Board position 1 week prior to the closing date for nominations, the CGC will be notified and a reminder sent to the Fellowship.

### **7.1. President-Elect**

If after the nomination closing date for nil nominations or one nomination is received for the position of President-Elect, the CGC will be notified. The nomination period will be extended for a further 2 weeks and the position will be re-advertised.

If after extending the nomination period for a further 2 weeks:

- Nil nominations have been received for the position of President-Elect, the Board shall appoint a current Elected Director (at the time the office of President-Elect falls vacant) to undertake the duties of the President-Elect until an election for the position of President-Elect is held.
- Only one nomination has been received, that Fellow will be duly elected.

### **7.2. Elected Directors**

If after the closing date for the receipt of nominations:

- insufficient nominations or just the required number of nominations have been received for the number of Elected Director positions, and/or
- the Board composition does not comply with Article 9.1 of the Constitution

The CGC will be informed, and the nomination period will be extended for a further 2 weeks and the position/s will be re-advertised. The Fellowship will be informed of the need for either an Australian or New Zealand Fellow, as the case may be.

If after extending the nomination period for a further 2 weeks:

- the number of Elected Director nominations received equals the number of Elected Director positions falling vacant and the requirement of Article 9.1 has been met, or
- only one nomination has been received from either Australia or New Zealand

the Fellow/s nominating will be deemed duly elected and there will be no requirement to proceed to a vote by the Fellowship; or there will be no requirement for the one New Zealand or Australian candidate to be listed on the ballot paper for voting by the Fellowship.

Following the extension of the nomination period and in the event that the composition of the Board is still not met in accordance with Article 9.1, the Board may appoint a Fellow/s to the Board in accordance with the Appointment of Casual Vacancy to the Board

The Board, within its delegated authority, may make any determination to ensure compliance with Constitutional and legal requirements.

## **8. Nomination Withdrawal**

A candidate may withdraw their nomination at any time during the election period. The withdrawal must be in writing and addressed to the Company Secretary.

Should the withdrawal result in less than the required number of nominees for the Elected Director positions; only one nomination for the position of President-Elect; or nil nominations for any Board position, section 7 “Insufficient Nominations” of this Regulation will apply.

Should the withdrawal occur during the voting period, the CGC, within its delegated authority by the Board, will make any determination to ensure compliance with Constitutional and legal requirements.

## **9. Election Campaigning**

Candidates may undertake election campaigning in accordance with the *Board Election Campaign Activities Policy*.

Campaigning may only commence after the College has published the list of election candidates.

If a candidate breaches campaign rules including those in section 3.2 of the Board Campaign Activities Policy, the Company Secretary and CGC will investigate and decide whether to:

- Disqualify the candidate
- Issue a warning
- Take other action or no action.

Examples of breaches include:

- Campaigning outside the approved dates
- Discrediting other candidates or damaging the College’s reputation
- Conduct that violates professional standards or the RANZCP Constitution.

If an investigation occurs, the RANZCP will endeavour to take steps to minimise any disadvantage to candidates. Campaigning may be paused if the investigation affects the fairness or validity of the election.

The College (including, but not limited to the Board as a collective, a committee, and staff) must not endorse specific candidates.

The College will contact each eligible candidate to coordinate the production of the candidate's video (President-Elect only) for election campaign purposes.

## **10. Eligibility to Vote**

Every Fellow who is a current member of the College is entitled to vote.

Trainee members who attain Fellowship between the period of voting opening and closing will be eligible to vote.

## **11. Distribution of Nominations to the Fellowship for Voting**

The distribution date and closing date for the remote ballot will be set in accordance with Article 7.9 of the College's Constitution.

Voting will be coordinated by an external election provider and conducted online.

### **11.1. Ballot material**

Each Fellow who is eligible to vote will receive or be provided access to the following material:

- Candidate(s') CV
- Candidate(s') Supporting Statement
- Candidate(s') Photo
- Candidate(s') Election campaign video (President-Elect election only)
- Name of the candidate's proposer and seconder
- Candidate(s') Disclosure Statement
- An Explanatory Memorandum from the Company Secretary – candidate details, voting method, voting instructions, count method, closing date for voting and other relevant election details.
- Ballot Paper.

Fellows who have an email address recorded with the College will receive an email with instructions on how to vote and how to access to the above material online. Postal packs containing links to candidate statement and relevant election information will be arranged for Fellows who do not have an email address registered with the College.

### **11.2. Ballot paper details**

The external election provider will conduct the random draw for the candidate names to appear on the ballot paper (online and paper version). The method used to conduct the draw will be a double-blind random draw.

The ballot paper must contain the following information:

- The position being elected i.e. President-Elect or Elected Director(s)
- The names of the candidates, including their residing country
- Clear instructions on the method of voting and the count method
- Closing date for the receipt of ballots.

The Board delegates the review and approval of the ballot paper to the Company Secretary.

## **12. Election Methods – Voting and Counting**

### **12.1. President-Elect**

The method chosen will be dependent upon the number of nominating candidates.

Three or more candidates: the voting and counting methods will be Full Preferential. Refer to Appendix A Section 25 for the count method prescription.

Two candidates: the count method will be first past the post, with the requirement for voters to mark their ballot with one mark against the name of the one candidate to be elected.

### **12.2. Elected Director (Five (5) Directors)**

The voting method will be Optional Multiple Preferential, with the requirement for voters to mark their ballot paper up to the number of candidates to be elected. The counting method will be Multiple preferential. Refer to Appendix A Section 26 for the count method prescription.

If an election is conducted for one (1) Elected Director, the method options outlined in 12.1 will be applied.

## **13. Election Oversight and Results**

Oversight of the elections will be undertaken by the Company Secretary and the CGC and will be administered by the Election Officer.

### **13.1. Informal (Invalid) Ballots**

Any ballot paper (either electronic or paper) shall be declared informal/invalid and not counted if:

- a) Received after 1700 hours AEST/AEDT on the closing date.
- b) It does not comply with the voting instructions specified.

### **13.2. Oversight of the Elections**

The Company Secretary will:

- Oversee the election process in conjunction with the Election Officer.
- In conjunction with the CGC, ensure the election results have been audited, and sign-off the results.
- Advise the Board of the election results.
- Advise the candidate(s) of the election results.
- Advise the membership of the election results.

To ensure accurate election results, the external election provider will engage a third-party auditor to verify that the correct vote and count methods are applied. Verified results will then be provided to the Company Secretary.

### **13.3. Declaration and Communication of Results**

In the event that Article 9.1 is not met at the conclusion of the count, the candidate from the unrepresented country with the highest standing in the count will replace the candidate with the lowest standing in the count, who would have been the last Elected Director.

The declaration of results for the position of President-Elect and Elected Director(s) will be in accordance with Articles 7.1.4, and 9.3 of the College's Constitution.

Upon receiving the election results from the external election provider, the Company Secretary in consultation with the CGC, will review the results and documentation to ensure compliance and sign-off.

The Company Secretary will advise the Board, excluding any Board Directors that are candidates, as well as all candidates of the ballot result including information surrounding the allocation of preferences. Members will be notified of the results and information surrounding the allocation of preferences within 3 weeks of the conclusion of the count.

The results will be formally declared at the College's Annual General Meeting.



## **14. Complaints**

If a member wishes to raise a formal complaint on the validity or conduct of the ballot, they must give notice to the College in line with Article 7.9.6 of the College's Constitution. The matter will be considered in line with the Article and the *Membership Conduct Committee Procedure for reviewing Board election complaints*.

## **15. Casual Vacancy**

### **15.1. President**

In accordance with Article 9.5.1 of the Constitution, a casual vacancy arising in the office of the President will be filled by the President-Elect.

The office of President-Elect will then be subject to election as per Article 9.3.1 (d) or (e) as the case may be and this Regulation.

### **15.2. President-Elect**

If a casual vacancy arises in the office of the President-Elect because the President-Elect filled a casual vacancy arising in the office of the President, the position of President-Elect will be filled by an Acting President-Elect, as per Article 9.3.1(e) which will be subject to election and this Regulation, as outlined below:

- a) If the remaining term for the President is less than 12 months, an Acting President-Elect will be appointed by the Board from nominations received from the Fellowship.
- b) If the remaining term for the President is greater than 12 months, an Acting President-Elect will be elected by the Fellowship from nominations received from the Fellowship.
- c) Whether appointed or elected, the Acting President-Elect will hold this position until the completion of the President's remaining term, and the position will then be subject to election as per Article 9.3.1 of the College's Constitution and this Regulation. The Acting President-Elect would be eligible to stand for election for the position of President-Elect, and the period of time served as Acting President-Elect would not count towards the term of President-Elect.

If a casual vacancy in the office of the President-Elect arises other than as a result of a casual vacancy in the office of the President, the office of the President-Elect will be subject to election as per Article 9.3.1 (d), this Regulation and relevant associated documents.

Until the position of Acting President-Elect is filled, the Board may hold an extraordinary meeting to appoint an Elected Director to fill the role of Acting President-Elect.

### **15.3. Elected Directors**

Where a casual vacancy arises for an Elected Director, the Board shall appoint another Fellow for the remainder of the term, in accordance with this Regulation and *Appointing a Casual Vacancy to the Board Procedure*.

If a Director, who is the sole New Zealand based Director, resigns from the Board, a Fellow who resides in New Zealand will be appointed to the Board to ensure that the Board meets its Constitutional requirements.

The Casual Vacancy Director would be eligible to stand for election for the position of Elected Director, and the period of time served in a Casual Vacancy capacity would not count towards the Elected Director term.

## **16. Exceptional Circumstances**

The College may adjust election requirements if needed due to events like natural disasters or disease outbreaks. Any changes must be approved by the CGC, and will be communicated promptly to candidates and members. The College will aim to uphold fairness and collegiality throughout the process.

## Section B: Appointed Directors

### 17. Board determination to utilise Appointed Director clause

The Board may decide to appoint up to a maximum of 2 additional Directors in accordance with Article 9.3.3 of the Constitution, to fill identified skill and knowledge gaps on the Board.

The Board will identify the selection criteria and desirable qualities for additional Directors.

### 18. Appointment process

The process for filling the Appointed Director position(s) will be determined by the Board, in accordance with the *Appointing an Appointed Director to the Board Procedure*.

### 19. Appointment eligibility

College Fellows, Affiliates, Trainees (Associates) and non-Members are eligible to be appointed to the position of Appointed Director.

A person is not eligible to be appointed for any of the reasons outlined in Section A, 2 and 5.1 of this Regulation.

### 20. Appointment oversight

The Board has delegated the oversight of the appointment processes of Directors to the CGC, who may establish a Selection Panel of Committee members.

### 21. Appointment decision

The Board will make the final appointment decision, upon the recommendation of the Selection Panel. Should the Board choose to make an appointment, the Board shall:

- a) Advise the successful and unsuccessful candidates, under the signature of the President.
- b) Inform the Membership via relevant College publications.

### 22. Resignation of an Appointed Director

If an Appointed Director resigns prior to the completion of their term, the Board shall determine the need to replace the position.

### 23. Definitions

Refer to the definitions in Article 1.1 of the Constitution, with additional definitions as follows:

**'Ballot Paper'** means detailed information on how polling place officials determine formality of ballot papers.

**'Candidate'** means a person who is nominated for an election.

**'Constitution'** means the Constitution of The Royal Australian and New Zealand College of Psychiatrists as amended from time to time.

**'CGC'** means the College's Corporate Governance Committee.

**'Election Campaigning'** means communications to solicit support for, or bring attention to a candidacy, during an election period.

**'Election Officer'** means the staff member responsible for the management and administrative oversight of the election process.

**'Electronic direct mail'** means an electronic mailing, sent all at once to a large mailing list.

**'Nominee'** means a person who is nominated as a candidate for election.

**'Position Description'** is a document that identifies the responsibilities and selection criteria of position holder.

## 24. Associated Documents

- RANZCP Constitution.
- Board Regulations and Board constituent committee Regulations.
- Board Position Descriptions and Board constituent committee Position Descriptions.
- Board Induction Manual.
- Undertaking in Relation to Confidential Information and Management of Conflicts of Interest.
- RANZCP Code of Ethics, Code of Conduct, Governance Chart, Conflict of Interest Guideline.
- Corporations Act 2001, and ACNC Act 2012.
- Membership Conduct Committee Regulations.
- Membership Conduct Committee Procedure for reviewing Board election complaints.
- Policy – Board Election Campaign Activities.
- Procedure – Appointment of a casual vacancy to the Board.

## Revision Record

<b>Contact:</b>	<b>Governance Unit</b>		
<b>Authorising Body:</b>	Board		
<b>Responsible Committee:</b>	Corporate Governance and Risk Committee		
<b>Document Code:</b>	REG Board Election Regulations		
<b>Date</b>	<b>Version</b>	<b>Approver</b>	<b>Description</b>
28 November 2025	5.0	CGC	Articulated CGC oversight; enhanced eligibility and compliance; included Election Code of Conduct.
19 November 2024	4.6	B2024/OOS 75	Reviewed ahead of 2025 Board Elections.
29 October 2023	4.5	B2023/10 R4	Review ahead of 2024 Board Elections. No changes.
10 February 2023	4.4	EGM, Education and Operations	Captured gender identity options for inclusive purposes (previously missed).
1 March 2022	4.3	EGM, Education and Operations	Captured gender identity options for inclusive purposes and minor updates.
15 September 2021	4.2	B2021/11 R25	Clarified candidate announcement and campaign commencement.
12 November 2020	4.1	B2020/OOS R50	Included a COVID clause.
9 January 2020	4.0	B2020/OOS 01	Ensured consistency of terminology, reflect current practices, results release, and disclosure statement.
11 August 2018	3.0	B2018/5 R23	Reflected administrative changes.
6 October 2017	2.7	SM, Governance	Reflected article numbers under the Constitution.
6 October 2016	2.6	Board out of session Vote	Clarified vote and count methods; confirmed steps if nil/only 1 nomination is received for President-Elect.
25 February 2016	2.5	B2016/1 R37	Updated to include clauses a) and f) under D 'Close of Nominations'.
4 December 2015	2.4	Manager, Governance	Amended Appendix A to clarify that the multiple preferential system is effective from 2018 onwards.
26 October 2015	2.3	Board Out of Session Vote	Updated to reflect the requirement for the Board to be constituted. Clauses C g) and h) included.
21 October 2015	2.2	Board Out of Session Vote	Updated to reflect duly elected candidates and the call for nomination process to meet Article 11.1.
24 September 2015	2.1	CGRC	Updating the vote and count methods as per B2015/5.
21 October 2014	2.0	Board Out of Session Vote	Inclusion of Board decisions – B2014/3, B2014/4, B2014/5 and B2014/6.
8 February 2012	1.1	Exec Officers	Out of session agreement for minor updates to clarify the voting procedure.
17 November 2012	1.0	GC2012/4 R48	New document.
<b>NEXT REVIEW: 2027</b>			

## Appendix A: Prescription of Count Methods

### 25. Full Preferential System

This system is used for counting the votes to elect the President-Elect (three or more candidates).

In this system, a voter is required to indicate a preference for each candidate on the ballot paper or ballot screen by using the numbers 1, 2, 3 etc, up to the number of candidates (Full Preferential).

A candidate must poll an absolute majority (i.e. in excess of 50%) of all formal votes to be elected.

If, after all first preference votes have been counted, no candidate has obtained an absolute majority of all formal votes, then the candidate with the fewest number of first preference votes is excluded (First preference votes are the number 1s). That excluded candidate's second preference votes are then distributed to the remaining candidates.

If, after that exclusion, no candidate has obtained an absolute majority of formal votes, the next remaining candidate with the fewest votes is excluded and ALL of their votes (i.e. first preference votes PLUS those votes received from the first excluded candidate) are distributed to the remaining candidates.

The above process is continued until one candidate obtains an absolute majority of formal votes and is elected.

If at any exclusion, the next available preference is for a previously excluded candidate, then that preference is disregarded, and the vote is distributed to the continuing candidate for whom the next available preference is shown.

### 26. Multiple Preferential System

This system is used for counting the votes to elect the Elected Directors.

The multiple preferential system accomplishes with one ballot the election of more than one candidate by a majority number of electors who cast formal votes.

Voters are required to mark their preference at least to the number to be elected. Preferences are to be expressed on the ballot paper or ballot screen by using the numbers 1, 2, 3 etc.

Votes are classified into two categories:

- a) Preferences marked on a ballot paper or ballot screen up to the number of candidates to be elected are called primary votes. They have equal value and are credited to the candidate for whom they are cast, whether they are marked 1, 2, 3 etc. up to the number of candidates to be elected. For example, where 2 candidates are to be elected, preferences 1 & 2 are primary votes of equal value.
- b) All preference votes beyond those primary votes are called secondary votes and rank according to their numerical number.

The primary votes for each candidate are counted and the candidate having the fewest number of primary votes is excluded from the count and their preferences are distributed among the continuing candidates.

Ballots on which an excluded candidate has obtained a primary vote are examined and distributed to continuing candidates according to the first of the available secondary votes expressed on each ballot paper. For example, if there are two candidates to be elected, the votes of an excluded candidate will be distributed to the third ranked preference on their ballot. When the distribution of those secondary votes has been completed and new progressive totals obtained for each remaining candidate, the candidate then having the fewest number of votes is next excluded and their next available preferences distributed.

All ballots in the possession of a candidate at the time of their exclusion are transferred to continuing candidates according to the next available preference. This process of exclusions is continued until only the number to be elected remains in the count.

At all times care must be taken to ensure that a ballot is not transferred to any continuing candidate more than once.