

# FIJI MEDICAL ASSOCIATION



Established by the Fiji Medical and Dental Practitioners Act (1978), Cap 255, Section 41 & 42

## RULES

Adopted at the Annual General Meeting of 1986, and incorporating amendments to Rules 5,7,8,13,19,20,29,34,35,42 & 43, adopted at an Extraordinary General Meeting 02.03.2002

**THE RULES OF THE  
FIJI MEDICAL ASSOCIATION**

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This edition of the Rules of the Fiji Medical Association as adopted at the Annual General meeting of September 1986 and incorporating amendments adopted at the Extraordinary General Meeting held in Saturday March 2<sup>nd</sup>, 2002 has been prepared for printing under the personal supervision of FMA member, Dr Mary Schramm, 27.06.02.

Copy-printing and binding by the Fiji School of Medicine Production Unit, July 2002 Reprinted August 2003

# THE RULES OF THE FIJI MEDICAL ASSOCIATION

## **PART 1: TITLE AND OFFICE**

1. The name of the Association shall be the FIJI MEDICAL ASSOCIATION – hereafter referred to the “Association”.
2. The Registered office of the Association shall be at Suva or such other place as may be decided upon be the Executive Council subject to the approval of the annual or an Extraordinary General Meeting of the Association.
3. The registered postal address shall be General Post Office Box 1116 Suva or any other address as may be decided by Council from time to time, and notified to each and every member within 21 days.

## **PART II: OBJECTS**

1. The objects of the Association shall be as follows: -
  - a) To maintain and improve the standards of conduct and learning of the medical profession in Fiji.
  - b) To promote the welfare and to preserve and maintain integrity and status of the medical profession.
  - c) To represent the views, interests and wishes of the medical profession.
  - d) To represent, protect and assist members of the medical profession in Fiji as regards to conditions of practice and otherwise.
  - e) To settle points of practice and to provide means of the amicable settlement of professional differences.
  - f) To protect and assist the public and the medical profession in all matters touching, ancillary or incidental to the practice of medicine.
  - g) To assist needy members and former members of the Fiji Medical Association or their relatives and the relatives of the deceased members.
  - h) To acquire, hold, develop or dispose of property of all kinds, whether real or personal, and to derive capital from income therefrom, for all or any of the foregoing objects.
  - i) To raise or borrow money for all or any of the foregoing objects in such manner and upon such security as may from time to time be determined by the Fiji Medical Association.
  - j) To invest and deal with moneys of the Fiji Medical Association not immediately required in such manner as may from time to time be determined by the Fiji Medical Association.
  - k) To pay the whole or any part of the expenses incurred by members attending meetings of the Fiji Medical Association or of any committee appointed by the said Association.

- l) To pay all costs and other payments incidental to or connected with the discharge of any function of the Fiji Medical Association.
- m) To cultivate a generous professional spirit among medical practitioners by encouraging meetings of members of the Fiji Medical Association and persons connected with matters of medical interest.
- n) To do all such things as are incidental or conducive to the attainment of the foregoing objectives or any of them.

### **PART III: MEMBERSHIP**

#### **5. Ordinary Members**

Ordinary members is open to any person registered in Part II of the Medical Register in accordance with the Medical and Dental Practitioners Act Ca. 255. Such a person should apply to the council in the form prescribed in the schedule. When it has been duly confirmed by the Secretary, Fiji Medical Council that the applicant is eligible for membership he shall be required to pay subscription at the full rate, commencing from the date on which he became a member and on commencements of regular payments via salary deductions, or payment of the pro rata subscription for the remainder of the current financial year, shall be entitled to full privileges of membership.

#### **6. Life Membership and Fellowship**

- i. Any ordinary member who has been a financial member in good standing for a continuous period of 30 years shall be registered as a life member of the Association and thereafter shall not be liable to pay annual subscriptions, but shall be eligible for all rights and privileges of ordinary membership.
- ii. An Ordinary member who has rendered singular and outstanding service to the Fiji Medical Association, or to the advancement of medical practice research or education may be recommended by the Council to the Annual General Meeting to become a Fellow of the Association. If the recommendation is endorsed by eighty percent of the voting members present., the member shall become a Fellow of the Association.

#### **7. Annual Subscriptions**

- a) The annual subscription for each ensuing year shall be fixed at the Annual General meeting of the association in that section the agenda which is allocated to the presentation of the budget

- b) for the forth coming year and any change thus made shall be effective from 1<sup>st</sup> October of that year until Sept 30<sup>th</sup> of the next calendar year.
- c) Ordinary members shall pay the full annual subscription rate in such manner as is prescribed by Council from time to time
- d) Ordinary members not engaged in any remunerative occupation and not registered as Life Members shall be liable to pay a reduced annual subscription at a rate not more than fifty percent of the normal subscription for ordinary members.

#### **8. Arrears of Subscription**

A member whose subscription is not paid in full by June 30<sup>th</sup> of each year shall not be entitled to nominate or be nominated for any office in the association not to vote in election for office bearers or on other resolutions of the Annual General Meeting.

Members whose subscriptions are more than 12 months in arrears shall cease to be members of the Association until the total sum has been paid.

#### **9. Cessation of Membership**

- i. An ordinary member of the Association may tender in writing his resignation from the Association, and this shall be accepted provided subscriptions paid in full until the date on which the notice of resignation was received.
- ii. If a member ceases to qualify for resignation under Part II or the Medical Registrar, he shall cease to be members of the Association
- iii. If any member is proved to the satisfaction of the Council to have been guilty of conduct prejudicial to the interest of the Association, his membership may be suspended or terminated by the Council which shall initiate and carry out the following procedure:

#### **Disciplinary Procedure**

The council upon receiving representation of any 2 members shall converse at not less than 21 days' notice in writing a special meeting of the Council at which the member accused of such conduct shall have the right to be heard in his defence. Such member shall receive at least 21 days' notice in writing of the time and place of such a meeting, together with a full text of the charges, which have been laid against him.

At such meeting the Council, having given due consideration to all facts and evidence relevant to the case shall determine whether the member accused is guilty of such conduct. If the accused is found guilty, the Council may:

- a) Deliver a warning or reprimand to the member concerned or
- b) Suspend the member from the Association for a period of not exceeding 3 months; OR
- c) Expel such member from the Association

iv) Any member so suspended or expelled shall have the right to appeal at the Extraordinary General Meeting. The decision of such meeting shall be final.

v) Any member warned, suspended or expelled from the Association in accordance with Rule 9 (ii) who enters into the public dispute with the Fiji Medical Association, whether within a Court of Law or elsewhere, without having exercised his right of appeal as set out in Rule 9(iv) above, shall be deemed to be guilty of conduct prejudicial to the interests of the Association.

vi) **Restitution of Privileges of Membership:** Any member suspended under Rule 9(iii)(b) above shall automatically be restored to the full privileges of membership upon expiry of his term of suspension. Any member expelled from the Association under Rule 9 (iii)(c) may apply for the membership on the prescribed form after the lapse of not less than 12 months from the date of his expulsion.

#### **PART IV: CONSTITUTION AND GOVERNMENT**

**10. The Supreme Authority** of the Association shall be vested in the Annual General Meeting and subject to that authority the Association shall be governed by the Executive Council.

**11. The Annual General Meeting** shall be held in the month of September in every year at the day, hour and place determined by the Council.

**12. Extraordinary General Meetings** shall be called by Council as follows:

- (i) On its own initiative for the consideration of importance matters of general concern to members
- (ii) On the receipt of a petition signed by not less than thirty (30) members who are not in arrears with subscription.

**13. Notice and Agenda of Annual General Meeting**

The Secretary on the instruction of the Council shall prepare an agenda of the Annual General Meeting or Extraordinary General Meeting and shall make it known;

- (i) By inserting a notice including such agenda in any two daily English Newspapers circulated in Fiji not less than 21 days before the meeting is to take place, specifying the day, hour and place.
- (ii) By dispatching by normal postal services, fax and or email to each ordinary member, life member and Fellow of the Association at his registered address, notice of the day, hour and place and agenda of such meeting.
- (iii) The non-receipt of such notice by or accidental omission to give such notice to any member shall not invalidate the proceedings of any General Meeting. Members temporarily or permanently absent from Fiji shall not be entitled to notice.

#### **14. Quorum**

The quorum of an Annual General Meeting and Extraordinary General Meeting of the Association shall be 40 persons or 20 percent of the total membership whichever is least.

#### **15. Voting**

Voting will normally be by show of hands provided that if 10 or more voting members at an Annual General Meeting or Extraordinary General Meeting ask for voting by secret ballot such vote must be taken by secret ballot.

#### **16. Business of the Annual General Meeting**

- (a) The reading and adoption of minutes of the preceding's general meetings and discussion of matters arising therefrom.
- (b) Presentation of report of the previous year's activities by the President
- (c) Presentation of the audited annual accounts by the Treasurer
- (d) Presentation by the Treasurer of the budget of the Association for the ensuing year including projections of expenditure and proposals for membership fees of the Association, for discussion and adoption
- (e) Voting on any proposed amendments to the Rules of the Association
- (f) Presentation of reports from the conveners of such standing committee of the Association as may currently be in existence.
- (g) Consideration of remits from members regarding policies and actions undertaken by the Association
- (h) Other Business
- (i) Declaration by the returning officer of the results of elections to Executive Council and two (2) Fiji Medical Association representatives on the Fiji Medical Council for the forthcoming year.

### **17. Notice of Agenda of Extraordinary General Meeting**

Notice and agenda of an Extraordinary General Meeting shall be given in the manner prescribed for the Annual General Meeting in rule No.13 above and except that 3 insertions of the notice of meeting shall be made in any two English language daily newspapers, the first of which shall not be less than 21 days before the date of the said Extraordinary General Meeting. Such notice shall show the agenda and business of the meeting and discussions at an Extraordinary General Meeting shall be limited to these matters contained in the agenda and decisions reached thereon shall have the same validity as decisions reached by the Annual General Meeting.

### **18. Change in the Rules of the Association**

- (i) The Annual General Meeting or Extraordinary General Meeting called in conformity with Rules No.11 to 17 inclusive shall be the only authority to rescind, alter or add to the Rules of the Association.
- (ii) When any change in the Rules of the Association is contemplated, the general nature of the change proposed shall be specifically stated in the notice and agenda of the meeting.

## **PART V: ELECTIONS TO EXECUTIVE COUNCIL AND FIJI MEDICAL COUNCIL**

- 19. (i) **The election of members and office bearers** of the Executive Council and of Association representatives to Fiji Medical Council shall be held annually to fill such vacancies as have occurred by resignation, death or removal subsequent to the previous Annual General Meeting or shall occur by expiry of term of office at time of the Annual General Meeting for the current year. In case of Fiji Medical Council representatives, elections shall be conducted in respect of any vacancy due to occur before August 31<sup>st</sup> of the following year.
- (iii) Candidates must have been financial members of the Association for at least twelve (12) months immediately prior to the date fixed for lodgment of nominations, which will normally be the first day for July each year.
- (iv) Candidates may be nominated for one only of the following positions; President, Secretary, Treasurer and for Seven positions for Council Members one of which shall be reserved for a medical practitioner in private practice. A valid nomination must be endorsed by (i) the nominated person (ii) two other voting members of the Association.
- (v) The treasurer of the Association shall prepare a list of members entitled to vote, which shall be available to the appointed Returning Officer and Association members not later than the first day of May each year.



- (vi) The election of office bearers and Council shall be conducted as set down here under by a Returning Officer who shall be appointed annually by the Council no later than April 30<sup>th</sup> of each year. The Returning Officer shall be serving or retired Civil Servant who has served at least 5 years in an administrative post; who is not a member of the Association.

**20. I) The election shall be conducted by the Returning Officer as follows: -**

Notice of election and forms for nomination of candidates shall be printed and dispatched by normal postal services to each voting member of the Association not later than the third Monday of May. Such notice shall include:

- (a) A list of the currently serving members and office bearers of the Association, including their date and manner of appointment, date of expiry of term of office and eligibility for re-election.
- (b) A form for nomination of candidates to fill vacancies as specified in Rule 19 (i)
- (c) A list of all serving members of the Fiji Medical Council, including their date of appointment, category of appointment and date of expiry of appointment.
- (d) A form for nomination of candidates to fill vacancies as specified in Rule 19 (i)
- (e) The name and official address of the Returning Officer.

**(II)** a) Notices of election shall be published in any English language daily newspaper during the third week of May

b) Notice of election and nomination forms as specified in 20 (I) shall be dispatched in a normal postal services to each voting member of the Association no later than the Third Monday of May.

**(III)** The Returning Officer shall receive all completed forms and determine the validity of each nomination according to Rule 19 (ii) and (iii) above.

**(IV)** The Returning Officer shall supply, on request, to each nominated candidate the names of other nominees and shall accept withdrawal of nomination by any candidate up until the last day of June each year.

**(V)** The Returning Officer shall compile have printed a ballot paper for each position or office on which shall appear the names of all valid nominees together with the names of the respective nominating members, whose completed nominated forms reach the registered office of the Association no later than the last business day of June.

**(VI)** The Returning Officer shall dispatch by postal services to each voting member of the Association a copy of the ballot papers for each and every vacant position on the Executive Council of the Association and the Fiji Medical Council no later than the 7<sup>th</sup> of July.

A voter identification card, printed in the identical and separate parts shall be posted to each member, together with the above ballot papers.

**(VII)** A valid vote shall be recorded by the voter placing a tick in the place indicated alongside the name of only one candidate for each of the following offices: President, Secretary, Treasurer and alongside the names of no more than seven candidates for the position of Council member.

The voter shall endorse both parts of the Voter Identification card with a name or symbol of his own choosing, and enclose one part in an envelope with his complete ballot papers and retain the other part in his own possession.

**(VIII)** The Returning Officer shall receive and open all envelopes and packages addressed to: The Returning Officer, Fiji Medical Association, which being postmarked no later than August 5<sup>th</sup>, have been placed in the Post Office box designated by August 10<sup>th</sup>.

**(IX)** The Returning Officer shall supervise and be responsible for the counting of all valid votes received for each office and shall declare elected the candidate(s) securing the greatest number of votes. In the case of elections for the position(s) of Executive Council member, the private medical practitioner candidate securing the greatest number of votes shall be first declared elected, and thereafter the candidates securing the highest number of votes from among the remaining candidates shall be declared elected in order until all vacancies are filled.

**(X)** The result of the election shall be communicated to the Executive Council via the Secretary of the FMA, who shall inform all candidates of the result. The result(s) of the elections shall be communicated to members by the Secretary along with the Notice and Agenda of the Annual General Meeting.

**(XI)** In the event of any position on the Executive Council not being filled by reason of an insufficient number of valid nominations, the Annual General Meeting is empowered to receive nominations from the floor, and conduct a secret ballot among voting members present at the meeting.

- 21.** (i) Each candidate may, in the presence of the Returning Officer and one other person who is a member of the Retiring Council, examine the completed ballot papers, both valid and invalid for the office for which he was nominated, up until 7 days after the Annual General Meeting.

(ii) Each voting member of the Association may examine the Voter Identification Cards which shall be kept apart from the ballot papers, to confirm that his own vote was received and included in the count, up until 7 days after the Annual General Meeting.

(iii) A member who, after such examining of ballot papers, considers that an irregularity in voting or counting of votes has occurred should communicate this in writing to the Secretary within 14 days of the Annual General Meeting. An examination of ballot papers by two assessors, appointed by outgoing council members, who must be voting members of least 2 years standing, who were not candidates for election shall be arranged by the Secretary and conducted in the presence of the complainant. If an irregularity is considered by the two assessors to have occurred such as would affect the outcome of the election, for any or all positions, the elections must be declared void, and new ballot held within one calendar month.

#### **PART VI: COUNCIL OF POWERS**

**22. i)** The Government of the Association and the conduct of its business in the periods between Annual General Meeting shall be vested in the Council, which is the Associations Executive body.

**ii)** The council shall have the sole power to form and dissolve branches, standing committees, and special interest groups. Such branches, committees and groups shall determine their own constitution provided that such is deemed by council to be in accordance with the Act, these Rules and the Code of Ethics of the Association, and shall operate their own banking account and financial affairs, provided that detailed accounts are presented at the end of each financial year for scrutiny by the Association auditors.

#### **23. Composition of Council**

The Council shall consist of President and Treasurer and seven other members. The election of Members and Office bearers of the Executive Council for 1986-87 shall be held at the Annual General Meeting. From 1987 and thereafter, the President, Secretary and Treasurer shall be elected for a term of two years according to Rules 19-21. The seven council members shall be elected in 1987 according to Rules 19-21 for a term of one year and thereafter at all subsequent elections for a period of two years. At the first Council Meeting, immediately following the Annual General Meeting, the Council shall appoint three of its members to be Senior Vice President, Junior Vice President and Assistant Secretary for the ensuing for 12month period. The immediate past President shall be ex-officio member of the Council for a period of 12 months immediately following the termination of his presidency.

#### **24. Voting and Quorum of Council**

The Council shall normally meet monthly, but not less than 8 times in each 12month period between successive Annual General Meetings. Not less than 50 per centum of member of Council shall form a quorum.

#### **25. Vacancies of the Council**

In the event of the death, resignation or removal of any member of the Council between two successive Annual General Meetings or when during such period any member is to be unavoidably absent from Fiji for a period of more than 3 months, the candidate who secured the next highest number of votes in the last election of office bearers shall fill the vacancy. If there was no such candidate the vacancy shall be filled by a majority decision of the Council.

#### **26. Decisions of Council**

The decisions of Council shall be binding upon all members, providing such decisions are not contrary to the Rules or Code of Ethics of the Association.

#### ***Grievance Procedure***

In the event that any member considers a ruling or action of the Executive Council to be contrary to the Rules or Code of Ethics of the Association, he may enter into dispute by the following procedure;

1. He should set out in writing the full details of his complaint and deliver this document to the President, Secretary, Vice President who shall cause the grievance to be examined by the Executive Council at its next subsequent meeting. The complainant shall be informed in writing of the outcome of the Executive Councils deliberations. The Executive Council may, on its own initiative, or in response to a request by the complainant, arrange for the complainant to appear in person at a special meeting of the Executive Council for further examination of his complaint.
2. In the event of the Executive Council rejecting all or any part of the complaint, the complainant shall have the right of appeal,
  - (a) To the Annual General Meeting or Extraordinary General Meeting of the Association or alternatively
  - (b) To an arbitrator agreed upon by both parties

3. Any member who enters into public dispute with the Fiji Medical Association, whether in a Court of Law or elsewhere, without first having submitted his complaint according to Rule 26 (1) and (2) shall be deemed to be guilty of conduct prejudicial to the interests of the Association

#### **27. Interpretation of Rules of Council**

Between Annual General Meeting the Council shall when necessary interpret the Rules and determine any point which the Rules do not adequately cover.

### **PART VII: OFFICERS OF THE ASSOCIATION**

28. Officers and members of the Executive Council must be paid up financial members of the Association.

#### **29. Duties of President**

- a) The President shall be elected in accordance with Rules 19-21 and his term of office shall be 2 years. He shall be eligible for re-election only insofar as his total continuous term of office shall not exceed four (4) years.
- b) The President, or in his absence one Vice President shall preside at all Annual and Extraordinary General Meetings and Council Meetings and shall be responsible for the proper conduct of business. He shall sign the minute of each meeting after they are approved.
- c) With the assistance of the Secretary and Treasurer, he shall superintend the general administration of the affairs of the Association and shall endeavor to secure the observance of the Association Rules by all concerned.
- d) He shall, in conjunction with the Treasurer operate the Associations Bank Accounts on behalf of the Association
- e) He shall be the official spokesman for the Association in any matter where a public pronouncement of policy is deemed proper and necessary by the Council.
- f) He shall be responsible for ensuring that resolutions passed by the Annual General Meetings or Extraordinary General Meetings of the Association are implemented by Council provide always that such resolutions are in keeping with the Act, these Rules, and the Code of Ethics of the Association.
- g) The President is ex officio, a member of all committees, subcommittees and taskforces of the Association, but shall not be convener or chairperson of the same unless appointed by the Executive Council.

### **30. Duties of Vice President**

The senior and the Junior Vice President shall be appointed annually by the Council in accordance with Rule 23 and shall serve for one year. In the absence of the President, the Senior Vice President shall deputize for him until such time as the President returns or the Council acts in pursuance of the provisions of Rule 25. In the absence of the President and the Senior Vice President, the Junior Vice President shall deputize as above.

### **31. Duties of Secretary and Assistant Secretary**

- a) The secretary shall be elected in accordance with sections 19-21 and shall serve for 2 years, The Assistant Secretary shall be appointed by Council in accordance with Section 23.
- b) The Secretary shall in conjunction with the Assistant Secretary conduct the business of the Association in accordance with the Rules and shall carry out all instructions given to him by the Annual General Meeting and Extraordinary General Meetings and by the Council at its meetings.
- c) He shall keep minutes of the General Meetings and Council Meetings and shall assist the President in the preparation of his report for submission to the Annual General Meetings and any other reports necessary for Extraordinary General Meetings.
- d) He shall receive on behalf of the President and Council the official correspondence of the Association and shall maintain a file and register of letters received.
- e) He shall reply to the official correspondence of the Association in accordance with the Rules and Constitution of the Association and in accordance with the decisions made by the Associations at its Annual and Extraordinary General Meetings and of the Council at its meetings. He shall maintain a register and file copies of all such correspondence.
- f) He shall in conjunction with the Treasurer operate the bank account of the Association.
- g)

### **32. Duties of the Treasurer**

- a) The treasurer shall be elected in accordance with Rules 19-21 for a period of 2 years.
- b) He shall be responsible for the safety of all cash and properties belonging to the Association and shall keep full and accurate accounts of all transactions conducted in the name of the Association.
- c) He shall prepare a financial statement of accounts for audit and for presentation at the Annual General Meeting.
- d) He shall prepare a budget of projected expenditure for each 12-month period immediately following the Annual General Meeting of the Association including an estimate of the Annual membership subscription which needs to be levied for the same period.
- e) He shall in conjunction with Secretary or President operate the Bank Accounts of the Association

- f) He shall deposit in the Bank appointed by the Council all monies received except that he shall be permitted to retain not more than \$50.00 for incidental expenses.
- g) The Treasurer's duties commence from the time of his election and terminate after presentation of the financial statements at the Annual General Meeting 2 years later.

#### **PART VIII: USE OF FUNDS**

##### **33. The Funds of the Association shall be used solely for:**

- a) The payment of expenses of the administration of the Association including audit of the accounts of the funds of the Association.
- b) The prosecution or defence of any legal proceedings to which the Association or any member is a party, when such prosecution or defence is undertaken for the purpose of securing or protecting any rights of the Association as such, or any rights arising out of the professional relations of any member with his employer.
- c) Expenses authorized and incurred on Association business by officers and members of the Association.
- d) The erection of any building or the purchase or lease of any building or land required for the purpose of the Association, and for the rent, upkeep and furnishing thereof.
- e) The organization of any professional meeting, reception or excursion.
- f) The purchase of books, newspaper and other literature and the upkeep of a reading room for use of members.
- g) The editing, printing, publication and circulation of any book, periodical bulletin or printed literature for the advance of the lawful objects of the Association.
- h) The provision of social and welfare amenities for its members and dependents of deceased members.

- i) Any other objects not covered by Rules 33 (a) – (h) but deemed essential and beneficial to the Association as approved by the Council.

#### **34. Financial Transaction**

- a) No receipt for any money given to the Association shall be valid unless it is on the Associations official receipt form. There shall be one only book of receipts in use at any time and no new book may be started until the current book is fully used or cancelled.
- b) All monies collected on behalf of the Association by any person shall be a debt from him to the Association and may if necessary be recovered by legal action.
- c) The books of account shall be open to inspection at all reasonable times by any financial member of the Association.
- d) There shall be one only bank account maintained by the Association and that shall bear the name Fiji Medical Association. All monies received by the Association shall be deposited in that account.
- e) The funds of the Association which are not required for current expenses, may on the direction of the Council, be invested by the Treasurer and Secretary or President in Government securities, or in such other securities as the Council may recommend and which are approved by the members at the Annual General Meeting or Extraordinary General Meeting.

#### **35. Financial Year**

The financial year of the Association shall commence on first day of July of each year and terminate on the last day of June of the following year.



## **PART IX: AUDITORS**

### **36. Auditors**

One or more auditors who must be a registered accountant but need not be members of the Association shall be appointed or elected at the Annual General Meeting.

### **37. Audit of Accounts**

The Treasurer shall cause all the accounts of the Association to be audited as soon as possible after the close of each financial year and at all other times when required by the Association or by law. All books and accounts of the Association will be examined and a certification as to their correctness or otherwise be given by the auditor. A report by the Auditor will be made available to the members at the Annual General Meeting.

### **38. Copy of Auditors Report**

A copy of the auditor's report of the Association funds shall be conspicuously placed at the office of the Association where it may be conveniently examined by any member.

## **PART X: DISPUTES**

### **39. DISPUTES**

In the event of a dispute arising between a member and his employer the member concerned shall make this known to the Secretary who shall place the report before the Executive Council at its next meeting. The Council shall issue a directive to the President and/ or Secretary to take such action as it deems necessary.

- (i) In matters where disputes arise concerning terms and conditions of employment for medical practitioners in government service, Council shall present a statement of its views to the Permanent Secretary for Health & Social Welfare and to the Secretary of the Public Service Commission, seeking opportunity for discussion and resolution of the dispute. If no satisfactory conclusion is reached in this way, the Council shall invoke the assistance of the Fiji Public Service Association and declare a dispute.
- (ii) Any matters relating to terms of medical practice, discipline with the profession, professional standards, professional freedom and standards of professional ethics and competence, the Council shall communicate such dispute to the Fiji Medical Council for decision and action.

- (iii) In the event of any member being required by his employer to act in a manner not in accordance with the Code of Ethics of the Association, the Council shall support the member in any way possible to uphold the ethical standards of the Association and at the same time to safeguard his employment.

#### **PART XI: RULES**

- 40. (i) A copy of these Rules and Code of Ethics shall be given free of charge to any member of the Association within 14 days of joining the Association.

(ii) In the event of addition or amendments to the Rules being made at the Annual or Extraordinary General Meeting in accordance with Section 18, a full text of such amendment shall be made available to each member within 21 days of the meeting.

#### **PART XII: APPOINTMENT TO THE FIJI MEDICAL COUNCIL**

- 41. The election of these representatives shall be by secret ballot in the manner prescribed for the election of Executive Council. The election for such vacancies as shall occur by expiry of the 2 year terms of appointment of serving representatives within the 12 month period before the next successive annual general meeting shall be conducted according to Rules 19-21 simultaneously with the election of the Executive Council.

#### **42. (1) Membership of the Fiji Medical Association to the Fiji Medical Council shall consist of:**

- (i) The President of the Fiji Medical Association
- (ii) A registered specialist
- (iii) Another medical practitioner

#### **(2) Eligibility**

The representatives of the FMA to the Fiji Medical Council must:

- (a) Have been registered under Part II of the Act for a period of not less than two (2) years
- (b) In the case of the Registered Specialist representative, have been registered as a specialist for a period of not less than two (2) years.
- (c) In the event of a representative of the Fiji Medical Association ceasing to be a full member of the Association, he shall also cease to be a member of the Fiji Medical Council, and his place shall be filled by a nominee of the Executive Council until the next Annual Elections are held, when the vacancy shall be filled by election as specified in Rules 19-21 above.

**PART XIII: DISSOLUTION**

43. The association shall not be dissolved, except with the consent of fifty percent plus one members of the Association obtained by means of a secret ballot held at a General Meeting of members.
44. In the event of the Association being dissolved, all debts and liabilities legally incurred on behalf of the Association shall be fully discharged and the remaining funds together with the proceeds of the sale of any assets of the Association shall be divided amongst all voting members in equal proportion or otherwise disposed of in accordance with a resolution passed at the meeting at which the dissolution was approved.
45. When the Association is dissolved, notice of the dissolution signed by the Secretary and seven voting members shall be sent by the Secretary to the Permanent Secretary for Health and Social Welfare, and to the Registrar General within fourteen (14) days of the date of the meeting at which the dissolution was agreed to.
46. The Fiji Medical Association Constitution (1972) is hereby revoked to save that any person appointed or elected to any office under that constitution shall be deemed to have been appointed or elected under these Rules and any funds and accounts established under these Rules shall be deemed to be in conjunction of the corresponding funds and accounts established under the revoked Constitution.

*This printing of the Rules of the Fiji Medical Association has been prepared by Dr Mary Schramm, with clerical assistance, and has been reviewed to incorporate amendments adopted at an Extraordinary General Meeting of Members on March 2<sup>nd</sup> 2002.*

*Spelling and printing errors have been sought and corrected.*