

EXTRAORDINARY GENERAL MEETING OF THE MEDICAL ASSOCIATION OF SOUTH AFRICA

Following are the minutes of an Extraordinary General meeting of the Medical Association of South Africa held at Medical House, 1 Wale Street, Cape Town on 9 April, 1958 at 3 p.m.:

Present: Mr. T. Schrire, Dr. L. M. Marchand, Dr. T. Shadick Higgins and Dr. A. H. Tonkin (Secretary).

It was proposed by Dr. Tonkin and seconded by Dr. Marchand that Mr. Schrire be Chairman.

Mr. Schrire declared the Meeting to be properly constituted and asked the Secretary to read the proposed amendment to Article 9 which had been published for general information in the *Journal* of 8 March, 1958.

The Secretary read the proposed amendment to Article 9 as follows:

I. That *Article 9* be and is hereby cancelled and deleted and that the following new Article 9 be and is hereby substituted therefor:

'9 (a) The Council (i.e. the Federal Council of the Association referred to and defined in Article 1) shall have power on the representation of any Division or Branch and after due enquiry by such Division or Branch either through their respective Ethical Committees or, failing such Committee in the case of any particular Division or Branch, through the relevant Executive Committee (in the case of a Division) or through the relevant Branch Council (in the case of a Branch), to expel from membership of the Association any Member of such Division or Branch (as the case may be) whose conduct shall be held by the first aforesaid Council to have been such as to render him liable to expulsion under paragraph (d) of the last preceding Article; provided

(i) that before passing any resolution expelling such Member the said first aforesaid Council shall have satisfied itself that the Member concerned had, by registered prepaid letter, directed to his last known address, received adequate notice of the allegations made against him and of the time and place of the enquiry held in regard thereto by the relevant Ethical Committee, Executive Committee or Branch Council, as the case may be, and further that he had been given an opportunity of defending himself before such Ethical Committee, Executive Committee or Branch Council, as the case may be;

(ii) that the Member concerned has by further registered prepaid letter directed to him as aforesaid at least 28 days before the date of the meeting of the first aforesaid Council, been notified in writing of the representation made by the said relevant Ethical Committee, Executive Committee or Branch Council, as the case may be, and has been invited to submit by registered

prepaid letter directed to the Secretary of the Association, at the latest 14 days before the said date of the meeting of the first aforesaid Council, for its consideration, such counter-representations in writing in his defence as he may wish to make; and further

(iii) that in case in his aforesaid counter-representation he has made a request to that effect, he has been given an opportunity of being heard in person in his own defence by the said first aforesaid Council.

9(b) A majority of two-thirds of those present and voting at a meeting of the first aforesaid Council shall be required for the purpose of exercising the powers of expulsion conferred on the first aforesaid Council by the preceding paragraph of this Article;

9(c) Any Member who has been expelled from membership in terms of this Article shall, notwithstanding that he has ceased to be a Member, be liable to pay all sums due by him to the Association, or to any Division or Branch thereof, at the time of his expulsion;

9(d) No Member whose conduct is under investigation or whose conduct is the subject of enquiry as aforesaid, or in regard to whom a representation as aforesaid has been made to the first aforesaid Council shall be capable of effectively resigning his membership of the Association, nor shall his membership be terminated in pursuance of any By-law until the investigation or enquiry is completed and the decision of the first aforesaid Council is made known. An investigation or enquiry shall, for the purpose of this Article be deemed to commence at the time when the matter of such investigation or enquiry is first brought officially to the notice of the Member by the Ethical Committee or Executive Committee of the relevant Division or by the Ethical Committee or Council of the relevant Branch—as the case may be—by the direction to him of the registered prepaid letter first referred to in paragraph (a) of this Article.'

II. That paragraph (c) of *Article 10* be and is hereby cancelled and deleted and that the following new paragraph (c) be and is hereby substituted therefore:

'(c) Notwithstanding the provisions of the preceding subparagraphs (a) and (b) and without derogating from the provisions of Articles 11 and 16, no body of Members shall be finally recognised as a Division or Branch until they have complied with such conditions, if any, as regards the adoption of Rules of Organization as the Council may reasonably impose.'

III. That the following new Articles numbered respectively 29bis, 29tres and 29quat, shall be and are hereby added to and

inserted in Articles of Association immediately following the existing Article 29, namely:

29bis. Without derogating from the general powers vested in the Council under Articles 28 and 29 and notwithstanding anything to the contrary contained or implied in any Regulation, By-law or Rule, for the better attainment of the objects of the Association in regard to the maintenance of the honour and interests of the Medical Profession or Association it shall in particular be competent for the Council to make and/or adopt Rules governing the ethical and/or professional conduct of individual Members of the Association by way of resolution carried by a majority of not less than two-thirds of the votes given thereon in the manner prescribed by the Regulations or By-laws—in the latter case in so far as not inconsistent with the former.

29tres. Complementary to the provisions of Article *29bis* it shall also be competent for the Council to make and/or adopt Rules of procedure governing enquiries into complaints regarding the ethical and/or professional conduct of individual Members of the Association, by way of resolution passed by a simple majority

of the votes given thereon in the manner prescribed by the Regulations or By-laws—in the latter case, in so far as not inconsistent with the former.

29quat. Insofar as there may at any time or from time to time be found to be any inconsistency or conflict between any relevant Rule of the Council as to ethical and/or professional conduct or as to the procedure to be followed in conducting any enquiry into complaints regarding ethical and/or professional conduct and any Rule which may have been passed or which may hereafter be passed by any Division or Branch, the Rule of the Council shall prevail, shall be of force and effect and shall be regarded as the Rule binding on all Divisions and Branches of the Association to the exclusion of any conflicting Rule of any Division or Branch.'

IV. That *Article 30bis* be and is hereby cancelled and deleted.

It was proposed by Dr. Marchand and seconded by Dr. Shadick Higgins that the amendments of the Articles of Association as read be adopted.

This was carried unanimously.

There being no further business the Meeting ended at 3.20 p.m.