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The Silver Lining...

The events that took place over the past couple of weeks have seen the Exco as well as members on a real roller-coaster ride. I would like to take this opportunity to explain as much as possible to members the events that surrounded the deregistration and the reinstatement of the MMA.

I have already talked about the show-cause letter in last month's *Berita* ("Is the MMA in danger of being deregistered?"), and had informed members that we had replied by the stipulated deadline to that letter.

I had only mentioned in my previous message that there were allegations of digressions from the MMA Constitution which were all related to the 2011 election of office bearers. I would like to elaborate here so that you will see all the alleged "offences" were of a technical nature and there was no fraud or mismanagement of funds involved. There were four allegations in the show cause letter:

- a. That we had wilfully contravened By-Law IX(5)(ii) of the MMA Constitution by not sending out the list of candidates for the elections to members seven weeks before the election.
- b. That we had wilfully contravened By-Law X of the MMA Constitution by publishing in the *Berita MMA* of November and December the call for nominations for Hon. Deputy Secretaries (i.e. before the Registrar of Societies (ROS) approval for the amendment of the Constitution, passed at the 2010 AGM, was received on 17 January 2011).
- c. That we had wilfully contravened By-Law IX (5) (ii) of the MMA Constitution by failing to announce the candidate for Hon. Gen. Treasurer for 2011.
- d. That we had wilfully contravened Article X(1) (g), Article X (1) (h) and Article X (1) (i) of the MMA Constitution by sending to members the agenda for the AGM which was not according to the above articles.

MMA Exco members met with an ROS officer on 24 October 2011 and after the discussion, we sent our answer to the show-cause letter on 27 October 2011, addressing each of the allegations above:

- a. The names of the candidates for election 2011 were announced in the *Berita MMA* April issue. The seven weeks may not have been met due to postal problems.
- b. By-Law X (which referred to the nomination of two DHGS on the floor at the AGM) was superseded by the amended By-Law IX which called for nominations for all the posts including DHGS.
- c. The name of the candidate for HGT for 2011 was not announced because there was only one candidate therefore, there was no election.
- d. The agenda as stipulated in Article X(1)(g), (h) and (i) had been followed at the AGM after discussion with the members present at the AGM.

The letter ended stating that the MMA tried our best to follow the Constitution and any mistakes had not been done wilfully (*"bukan dengan sengaja"*).

As mentioned earlier, during the course of several discussions with the ROS officers, we received verbal reassurances that this was just a "routine matter", as a complaint had been received by the ROS and they had to respond to it. Therefore, we were really taken by surprise when the "red letter" (deregistration notice), dated 15 November 2011, arrived at the MMA on 16 November 2011.

As I mentioned in my previous message, "To deregister an organisation which is more than 50 years old, with over 10,000 members is not a trivial matter." Not only were we (Exco) surprised and shocked by this, so was the Minister of Health (MOH), with whom I met on the 17 November. Even if the ROS did not accept our explanation in our answer to the show-cause letter, at the very least we should have been given a chance to

explain in person as well as be advised as to what remedial action should be taken – this was not done.

According to the Societies Act 1966, any society deregistered by the ROS has 30 days to appeal against the decision to the Minister of Home Affairs. We engaged a lawyer to assist us with drafting the appeal letter and this was duly sent to the Minister, via the ROS Putrajaya, on 22 November 2011. In the meantime, we were required to suspend all activities, so a notice was sent to council members and committee chairpersons and was also put up on the MMA website. A press statement was also issued to let the public know that MMA had to suspend our activities but that we hoped to be back in action soon.

Our appeal letter to the Minister of Home Affairs stated the following points:

- a. That the action was too harsh and not commensurate with the alleged offences. Also that we were not given any chance to explain to the ROS in person, and that we had followed the verbal advice of the ROS officers throughout this episode.
- b. That the MMA is a 50 year old association with over 10,000 members and we carry out a lot of important functions and therefore, this action has far reaching consequences not just for the medical profession but for the country.
- c. That for the past 50 years we have conducted our elections without problems and this deregistration has resulted from a complaint made by an unsuccessful candidate in the elections.
- d. The appeal letter also proposed two solutions, of which we stated that we preferred the first option.
 - i. To reinstate the MMA with immediate effect together with an advisory that the next election (May 2012) be carried out adhering strictly to the Constitution.
 - ii. To hold another election – but we pointed out that this would lead to needless expense and confusion as there would be an overlap of dates (the earliest another election can be called would be February 2012) and the new Exco would only function for three months.

On 25 November 2011, the HGS and I met with the Ketua Pengarah of ROS, Dato Abdul Rahman. He informed us that the reply to our appeal was ready and we were given a copy of the letter, dated 25 November 2011, but were told not to release it until the Minister of Home Affairs issued a press release on it. However, we were informed that we could resume all activities. This message was duly informed to our council members and committees, in a short note, without releasing the letter from the Ministry of Home Affairs.

Unfortunately for us, due to the long weekend and the UMNO General Assembly, the Ministry of Home Affairs only issued the press statement on Wednesday 30 November 2011. We then released the letter from the Ministry as well as our appeal letter, together with an announcement on the MMA website. The letter from the Ministry of Home Affairs states that by the powers given to the Minister under Section 18 of the Societies Act 1966, the Minister, *“telah memutuskan rayuan terhadap pembatalan MMA ditangguhkan selama enam bulan”* and went on to state, *“Namun yang demikian, jika pihak tuan gagal mamatuhi Undang-undang Berdaftar Persatuan dan Akta Pertubuhan 1966 dalam tempoh yang ditetapkan, pendaftaran pertubuhan tuan akan terbatal secara automatik”*.

Since then, a lot of people have made statements in the press, some giving incorrect information, e.g. that the MMA has “six months to get our house in order” and that “the MMA has to hold fresh elections in order to get re-instated”. These are simply not true as the response from the Ministry of Home Affairs to our appeal letter states that the decision of the ROS is *“tangguhkan”* or “suspended” which means that the MMA can function normally again. The “warning” that was given to the MMA is that in the next six months, we have to follow our Constitution and the Societies Act strictly. While many of the reports were not “supportive” or “favourable” to the MMA, there were also a couple of letters and articles which presented a more accurate picture and which were more sympathetic to the MMA.

Since receiving the reply from the Minister of Home Affairs, the MMA has sought the advice of our lawyers and of the ROS. Our lawyers have advised us that Section 18 of the Societies Act gives the Minister of Home Affairs the power to “confirm, reject or vary” the decision of the ROS, and the reply to our appeal letter means that the Registrar’s decision has not been confirmed but has been varied; with this varying of the Registrar’s decision by the Minister, the status quo of the MMA was restored and all business and activities of the MMA may proceed as normal. Our lawyers further advised, “The Minister’s decision also carries the notification that if MMA fails to adhere to its Constitution within the (next) six months, the registration (of MMA) will automatically be cancelled. The Minister’s decision carries no other conditions or directives.” And, concludes that “the current governing body of the MMA may carry on its duties and ensure that all activities and conduct is in compliance with the MMA’s Constitution and By-Laws.” As this is a reasonable opinion, we have decided to follow the advice of our lawyer, whilst awaiting the decision of the ROS.

The issue of having another election has been brought up by some members, who say that since all the

allegations are related to the elections, we should declare the 2011 AGM elections null and void and hold another election. However, there has not been any such order from the ROS or the Minister of Home Affairs at any point in time. Furthermore, there is no provision in our Constitution for holding an election other than at the AGM. There are also other problems due to the shortage for time, for example the earliest the re-election (for 2011/2102 Exco posts) can be held will be in February 2012 and yet by January 2012, we will have to send out the call for nominations for the 2012/2013 Exco posts – this will surely lead to even more confusion. Some say, never mind the inconvenience or the expense or the possible confusion – hold the elections to eliminate any doubt about the legitimacy of the current Exco. However, I feel that we have to be guided by the Minister's decision – while he chose to vary (and not to cancel) the deregistration notice by the ROS, he also chose not to order a re-election (which was offered, in our appeal letter, as one of the solutions to this situation).

I have tried to keep members and others informed by using the MMA website and updating council members by email throughout this period of time. One of the challenges that we have faced is that of members going to the press, who report inaccurate information as outlined above. Therefore, I am using the *Berita* to inform members about the whole sequence of events and what we have done in response. We have also called an emergency council meeting and I am trying to explain the situation to members whom I meet or those who call me up. Unfortunately, I cannot speak to everyone.

It is sad that some members chose to take their unhappiness and dissatisfaction and grouses to the Registrar of Societies instead of bringing it up within the Association itself; worse still, some have also expressed their opinions in the press without having any discussion with me or others in the Exco. To what avail? It has only brought dishonour and disrepute to not just the Association but the whole medical profession. I hope that this will not happen again in the future. We should be able to settle our differences and disputes internally. What is saddest is that no attempt was made to do this before taking things into the public domain.

To end on a higher note – whilst this whole event has brought a lot of sadness and angst, it has also brought good things – the “silver lining”. While a lot of people have said not-too-nice things about the Association, there are many more members who have called to express their concern, and their support for the Association and the current office bearers, and offered to help in whatever way they can. Apart from current council members, these include past presidents and office bearers, currently or previously active members, as well as doctors who are members but are not very active, and also doctors who are not members (but who I hope will become members!). I cannot name everyone, but I would like to thank every one of you who has shown your concern and your support for us in this difficult time, and I hope that people like you will come shining through and overshadow the “dark forces” who wish to bring disrepute to our Association and, by extension, our profession. **M**



Statistics according to State and Category of membership as at 31 November 2011

No	State	Ordinary Members	Life Members	Total	Student Members
1	Johor	217	397	614	44
2	Kedah	181	197	378	303
3	Kelantan	74	105	179	227
4	Melaka	127	185	312	614
5	N. Sembilan	138	219	357	27
6	Penang	207	409	616	171
7	Pahang	122	153	275	9
8	Perak	641	550	1191	107
9	Perlis	55	21	76	1
10	Sabah	177	236	413	95
11	Sarawak	328	313	641	13
12	Selangor	588	854	1442	164
13	Terengganu	32	45	77	12
14	W.P	583	917	1500	96
15	W.P Labuan	3	6	9	0
	GRAND TOTAL	3473	4607	8080	1883

Overseas Members = 138

Exempt Members = 328

Honorary Members = 7

Associate Members = 2

Chronology of Events

Date	Event
May 2010	The method of electing the main office bearers was changed from postal ballot to voting at the AGM via a constitutional amendment passed by a 2/3 majority at the 50th MMA AGM in Melaka. The amendments to the Constitution were sent to the ROS for approval in July 2010, and approval was received on 17 January 2011.
November-December 2010	The Election Committee sent out the notice calling for nominations for the posts of PE, HGS, HGT and two Deputy HGS in the November and December issues of the <i>Berita MMA</i> . This was the routine every year (with postal ballot) except that this time, the call for nominations included the positions of Deputy HGS.
March 2011	By the close of nominations on 9 March 2011, the following nominations were received: two candidates for post of President elect: Dr Hooi Lai Ngoh and Dr SR Manalan, two candidates for post of HGS: Dato Dr Tharmaseelan and Dr Rajamohan, one candidate for the post of HGT: Dr Ravindran Naidu, and three candidates for post of DHGS: Dato Sarjeet Singh Sidhu, Dr Harvinder Singh and Dr N. Jeganathan.
April 2011	All the above candidates' manifestos were printed in the <i>Berita MMA</i> April issue; except for Dr Ravindran Naidu, who had won unopposed. In the same issue of the <i>Berita</i> , there was a notice by the Election Committee secretary on the "Procedures for election at the 51st AGM".
12 May 2011	A letter from Dr Hooi to Dr D Quek, President MMA, was received. There were two main complaints in her letter: (i) that the notice of the election had not been received by members seven weeks before the election, as provided for in the Constitution, and (ii) that the call for nominations had gone out before the approval from the ROS was obtained. She also informed the President that she had complained to the ROS. The HGS called the ROS to ask if we could carry on with the elections and the AGM and was informed (verbally) that we could.
27 May 2011 (AGM)	At the AGM, an objection was raised as soon as the meeting started regarding the agenda, which stated "to accept and declare as President-elect..." and similarly for HGS and HGT – this had been amended in the 2010 AGM to read "to elect the President-elect..." etc. There were calls not to carry out the election that day, and the issue of inadequate notice (point no. 5 (i) above) was also brought up. There was a long discussion and the floor voted to accept the amended agenda, and to proceed with the elections.
6 July 2011	The MMA had a visit from En Addzizul Osman from the ROS office, WP, to investigate complaints by a member. The HGS met with En Addzizul to provide the facts and documents requested.
29 September 2011	The MMA received a "show-cause" letter dated 28 September 2011, asking us to explain four allegations of breach of our Constitution.
24 October 2011	The President, President Elect, Hon. Gen. Secretary and Hon. Deputy General Secretary met with En Addzizul Osman, ROS office (WP) to discuss the show-cause letter.
16 November 2011	The deregistration notice, dated 15 November 2011, was received from the ROS (WP).
18 November 2011	Announcement was put on the MMA website stating that we had been deregistered and that all activities had to be suspended until further notice.
22 November 2011	Appeal letter to the Minister of Home Affairs was delivered personally by the President, via the ROS Putrajaya.
25 November 2011	The HGS and President met with the Ketua Pengarah of ROS, Dato Abdul Rahman after which we were given the reply from the Minister of Home Affairs, dated 25 November 2011.
1 December 2011	The Announcement on the MMA website was changed, stating that MMA activities are back to normal. A copy of the appeal letter and the reply from the Minister of Home Affairs was also put up on the MMA website.