

20<sup>th</sup> March 2023

## **Proposal for Change of Statutes – Addition of Point 8.5.6**

### **Background:**

Since 2018 an important development for Voluntary Organisations (VOs) was the obligatory registration with the Malta Business Registry - MBR - (which the MCFD duly registered with) and the obligatory registration with the Office of the Commissioner for Voluntary Organisations - OCVO - (which the MCFD had voluntarily registered with before the legal obligation came into place).

The Malta Business Registry scrutinises each council/board member of a Voluntary Organisation and demands against fines to be informed of any changes in the composition of the board/council. Its aim is to decrease money laundering and financing of terrorism through VOs, something ear-marked in the Moneyval report. Each council member is seen as an administrator. Each administrator is checked by the MBR,

The Office of Commissioner for Voluntary Organisations scrutinises organisations' statutes and annual actions. VOs certified as compliant by the OCVO can apply for national funding of projects. Due to its budget, the MCFD has to submit annual accounts and due to the statutes they need to be audited, both of which of late entail a due diligence assessment of each council member by the auditor.

During this term (after the latest election the new council started on 20<sup>th</sup> March 2022), the MCFD Council had a council officer who refused to give his details to the Malta Business Registry, in his words because he does not accept to be legally an administrator of the MCFD. Due to this he resigned on 18<sup>th</sup> March 2023. The MBR has been informed of the resignation. The issues with the MBR are explained in the Annual Report 2022 to be presented in the AGM 2023.

During this term (after the latest election the new council started on 20<sup>th</sup> March 2022), the MCFD Council has another council officer who refused to go through the due diligence process by the auditor. Hence the accounts for 2021 and 2022 are not approved by the auditor, and subsequently the MCFD cannot send the yearly documents to the OCVO for compliance with the VO Act. As such, MCFD cannot apply for funds which provide part refund of the WONCA membership fee, attendance to WONCA Council meetings and attendance to Vasco da Gama/EYFDM exchanges. This officer eventually resigned on 12<sup>th</sup> April 2023. This is explained in the Annual Report 2022 to be presented in the AGM 2023.

### **Under the current statutes:**

8.5. *The office of Member of Council shall be vacated in any of the following events:*

8.5.1. *If the member resigns in writing, and such resignation is accepted by Council.*

8.5.2. *If the member is found guilty of serious professional misconduct by the Medical Council of Malta.*

8.5.3. *If the member is absent from meetings of the Council for six months without justification.*

8.5.4. *If the member ceases to be a member of the college.*

8.5.5. *If the member is removed pursuant to ordinance 8.6.*

8.6. *During the General Meeting, the College may remove from office any member of the Council before the expiry of his/her period of office by a simple majority vote.*

**Rationale:**

As things stand, council officers who do not comply with the laws that regulate Voluntary Organisations cannot be removed from council for this reason. Subsequently, the MCFD is stuck with non-compliance with a number of national entities which regulate Voluntary Organisations. This makes the MCFD liable to fines and deters the MCFD from applying for national funds meant for Voluntary Organisations.

**Proposal for addition of 8.5.6. to the statutes**

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8.5.1. *If the member resigns in writing, and such resignation is accepted by Council.*

8.5.2. *If the member is found guilty of serious professional misconduct by the Medical Council of Malta.*

8.5.3. *If the member is absent from meetings of the Council for six months without justification.*

8.5.4. *If the member ceases to be a member of the college.*

8.5.5. *If the member is removed pursuant to ordinance 8.6.*

**8.5.6. *If the member does not comply with the legal requirements emanating from national entities that regulate Voluntary Organisations, such as the Office of the Commissioner for Voluntary Organisations and the Malta Business Registry.***

8.6. *During the General Meeting, the College may remove from office any member of the Council before the expiry of his/her period of office by a simple majority vote.*

Dr Jean Pierre Cauchi

Dr John Peter Gauci

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Members of the Subcommittee for Revision of Statutes