



His Excellency the Honourable President Cyril Ramaphosa
The President of the Republic of South Africa

MEDICO-LEGAL CRISIS PRESENTATION TO THE PRESIDENT

Sunday 5 May 2019 – 09:00

Dear Mr President,

- 1) We congratulate yourself, the honourable ministers and all political parties on a free and fair election. It is with optimism that we look toward a future, under your capable stewardship, where all citizens have unfettered access to healthcare and justice. We approach you specifically in relation to medico-legal matters, to ensure that all achieve the rights guaranteed under our Constitution.
- 2) On Sunday 5 May 2019, in the spirit of Thuma Mina, and confirming faith in your New Dawn, a group of concerned leaders in the South African Medico-Legal Field gathered at very short notice to address you on the medico-legal crisis in South Africa. Experts, delegated by the South African Medico-Legal Association ([SAMLA](#)) and a number of its Coalition Partner Organizations ([see agenda and attendance register](#)), were delighted to hear from a proxy that you were keen to be informed on these very serious problems prior to the election.
- 3) Invitations were extended via the proxy [to yourself](#) and the Honourable Ministers of [Health](#), [Justice](#) and [Transport](#), as well as the [Premier of Gauteng](#). The presentation was attended by the Director -General of the South African National Department of Health.

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Directors : Claassen, Judge CJ - Neels (National Chairperson); Athmaram, Adv Reshma (- KZN Branch Chairperson); Becker, Prof Jan (Gauteng Branch Chairperson); Claassen, Dr Brand; Dutton, Adv Ian (Coalition Task team Convenor); Edeling, Dr Hanneljie (Administration- and Communications); Edeling, Dr Herman (Clinical Negligence and Mediation; Faculty Course Leader); Enslin, Dr Hans (RAF); Fredericks, Dr Gavin (National Treasurer); Jordaan, Mr Johan (FS Chairperson); Khan, Adv Jenine (Membership); Lamey, Adv Albert; Lerm, Dr Henry (National Deputy Chairperson - Legal; EC Chairperson); Munyaka, Dr Sharon; Ncongwane SC, Adv Thami (Transformation); Pienaar, Dr Hennie; Reynolds, Mr Trevor (National Deputy Chairperson - Health Sciences); Saayman, Prof Gert; Satyapal, Prof Kapil; Singh, Ms Irana; Sutherland, Ms Romany (WC Chairperson); Tiry, Adv Ayesha; Van Den Bout, Dr & Adv Anton; Wasserman, Dr Marlene.



- 4) The full proceedings of the day were video-recorded for later viewing at your convenience . [The colloquium included 28 concise presentations of 3 minutes each, 4 expanded presentations of 20 minutes each](#) , and [2 concluding 1-hour debates \(see agenda and attendance register\)](#)). Additional written contributions were submitted . Copies of the written submissions are attached below , as are links to the video - recordings.

- 5) The principal outcome of the colloquium is an appeal to the President to authorize: -
 - a) The establishment of an Independent Multidisciplinary Medico-Legal Regulatory Authority for South Africa.

- 6) The secondary outcome of the colloquium are appeals to develop the following, which could all be part of the mandate of the proposed medico-legal regulatory authority : -
 - a) The establishment of Independent Centres of Excellence for the Care of Children with Cerebral Palsy;
 - b) The implementation of Effective Upstream (Preventive) Interventions to limit the Economic and Personal Harm caused by Clinical Negligence and Road Accidents;
 - c) The implementation of Effective Downstream (Consequential) Interventions to Improve Access to Justice and Reduce the Costs and other Harm of Litigation for Clinical Negligence and Personal Injury Disputes; and
 - d) Constitutionally Sound Reform of the RAF.

- 7) In relation to 6) c) and d) above, we have already commenced constructive communication with the RAF and ABIME, and have submitted an application to SAQA (please see attached annexures).



- 8) SAMLA, in its considerations and preparation for the submission of this letter and its supporting documents, has consulted with and taken into consideration the work undertaken by the South African Law Reform Commission, notably issue paper 33. In this regard, SAMLA has made a submission to the project 141 documents on behalf of its stakeholders. SAMLA continues to endorse and support action and initiatives from all appointed organisations in undertakings to appreciate the magnitude of impact of personal injury and resultant claims on the South African economy.
- 9) These concepts and practical recommendations are set out in the appended written submissions and in the video-recordings of the 5 May 2019 presentation. We would greatly appreciate the opportunity to meet with you to explain our goodwill and constructive proposals. We believe that these proposals contain practical and cost effective solutions to the medico-legal crisis in South Africa.

The Hon. Mr Justice C.J. Claassen
SAMLA National Chairperson

Dr Herman J. Edeling
SAMLA Faculty Leader - Clinical Negligence & Mediation Director

6 August 2019

Annexures :

[SAMLA Letter to Acting CEO of the RAF](#)

[ABIME \(American Board of Independent Medical Examiners\) Letter to the RAF](#)

[SAMLA Letter of Application to SAQA](#)