



## **ANNUAL GENERAL MEETING**

**27 November 2021**

## **ANNUAL REPORT**

### **1 INTRODUCTION**

It gives me pleasure to present to you the SAMLA Annual Report for the year 2021.

Our term of office (2020-2021) was marred by the covid-19 pandemic. Despite the problems and challenges which arose during these two years, the directors of SAMLA rose above these problems. Their resilience and tenacity showed positive growth of good governance within SAMLA. A new normal for SAMLA was created. All meetings were offered online including workshops, seminars and or fireside-chats. This created a new trajectory to offer much more to the membership at more cost effective rates.

Sadly it was also during the current year that our Non-Executive President Judge Claassen died. Judge created golden and deep footsteps within SAMLA. He was always available to give us his guidance and support no matter what the problem. Nothing was too much for Judge. He attended all meetings and played a major role in the pilot mediation project, giving guidance and mentoring aspiring mediators, to name but a few of his contributions.

Due to the passing of Judge Claassen, Prof Henry Lerm was nominated and elected unanimously as our new Non-Executive President.

**Non-Profit Company. Registration Number: 2005/013822/08**

**Web: [www.medicolegal.org.za](http://www.medicolegal.org.za) | E-mail: [info@samla.org.za](mailto:info@samla.org.za)**

**Directors:** Prof Ethelwynn Stellenberg (National Chairperson); Adv Johanna Barnardt (National Deputy Chairperson – Legal; Dr Sharon Munyaka (National Deputy Chairperson Health Sciences Transformation Director); ECP Current chairperson vacant; Ms Desiree David (Deputy Chairperson Eastern Cape - Branch); Prof Ramodungoane Tabane (Faculty Principal); Mr Johan Jordaan (National Treasurer); Dr Karen Levin (Communications Director); Mr JP Venter (Administration Director); Ms Philippa Styles (KZN - Branch Chairperson); Dr Thabiso Rapapali (Free State - Branch Chairperson); Ms Romany Sutherland (Western Cape - Branch Chairperson); Ms Stacey Aires (Gauteng - Branch Chairperson); Mr Renier Jacobs; Dr Michael Brian Huth; Ms Barbara Donaldson (Chairperson Credentials committee); Mr Rowan Haarhoff (Business Development Director; Ms Grace Hughes; Dr Willem Moore; Ms Refiloe Raganya; Dr & Adv Anton Van den Bout. Dr Carlien Van Heerden

**Non-Executive President:** Prof Henry Lerm



Most importantly I acknowledge and thank all board directors and especially the executive committee and smaller committees who have been working very hard, with passion and commitment to comply with the Company Act 71 of 2008. One should take cognizance that our directors are all voluntary. We salute them.

## **2 BOARD OF SAMLA**

### **The following members served on the board:**

Judge CJ –Neels Claassen (Non-Executive President) (Passed away June 2021)

Prof Ethelwynn Stellenberg (National Chairperson)

Prof Henry Lerm (National Deputy Chairperson - Legal; Eastern Cape - Branch Chairperson) (Later newly elected Non-Executive President)

Dr Sharon Munyaka (National Deputy Chairperson- Health):

Mr Johan Jordaan (National Treasurer)

Dr Karen Levin (Communication Director)

Mr JP Venter (Administration Director)

Ms Philippa Styles (KZN - Branch Chairperson)

Ms Romany Sutherland (Western Cape Chairperson)

Ms Carina Van de Wall, (Gauteng - Branch Chairperson) (Resigned)

Dr Hans Enslin (RAF Director) (Resigned)

Ms Desiree David (Director; Later elected chairperson of the ECP)

Ms Barbara Donaldson (Director)

Mr Rowan Haarhoff (Director)

Adv Jimmy Kyriacou (Director) (Resigned)



Adv Johanni Barnardt (Director) (Newly elected Deputy Chairperson-Legal)

Dr Willem Moore (Director)

Dr Thabiso Rapapali (Free State - Branch Chairperson) (Director)

Prof Ramodungoane Tabane (Director) (Resigned) newly elected principal of Faculty

Dr & Adv Anton Van den Bout (Director)

Ms Grace Hughes (Director)

Dr Carlien Van Heerden

### **3 THE EXECUTIVE COMMITTEE OF SAMLA**

The following members served on the executive board:

Prof Ethelwynn Stellenberg (National Chairperson)

Prof Henry Lerm (National Deputy Chairperson - Legal; Eastern Cape - Branch Chairperson; Later elected Non-Executive President of SAMLA)

Dr Sharon Munyaka (Elected as Deputy Chairperson on the resignation of Mr T Reynolds from that position;

Dr Herman Edeling (Faculty Principal) Resigned

Mr Johan Jordaan (National Treasurer)

Dr Karen Levin (Communication Director)

Mr JP Venter (Administration Director)

Ms Philippa Styles (KZN - Branch Chairperson; Director)

Ms Romany Sutherland (Western Cape Chairperson)

Ms C van der Wal (Gauteng Branch Chairperson - Resigned)



Ms S Aires (Newly Appointed Gauteng Branch Chairperson)

Dr Thabiso Rapapali (Newly appointed Free State - Branch Chairperson) (Director)

Mr Rowan Haarhoff (Business Development Director)

Adv Johanni Barnardt (Newly appointed National Deputy Chairperson –Legal)

Prof Ramodungoane Tabane appointed Faculty Principal

## **4 RESIGNATIONS**

Adv Jimmy Kyriacou (Director)

Ms Carina Van de Wall, (Gauteng - Branch Chairperson)

Dr Herman Edeling (Faculty Principal)

Prof Ramodungoane Tabane (Director)

Dr Hans Enslin (RAF Director)

## **5 DEATHS**

Judge CJ –Neels Claassen (Non-Executive President) who passed away in June 2021.

## **6 NEW APPOINTMENTS**

6.1 President: Prof Henry Lerm appointed as the SAMLA's new Non-Executive President

6.2 Adv Johanni Barnardt appointed as the new National Deputy Chairperson for Legal

6.3 Prof Ramodungoane Tabane appointed as Faculty Principal

6.4 Mr Renier Jacobs (Director)

6.5 Ms Refiloe (Yvonne) Raganya (Director)



6.6 Ms Stacey Aires (Director) was appointed chairperson of Gauteng

6.7 Ms Desiree David (Director) was appointed chairperson of the ECP

6.8 Dr Michael Huth (Director)

## **7 BOARD MEETINGS**

Four board meetings and one special board meeting were held since the last AGM in December 2020.

## **8 EXECUTIVE COMMITTEE MEETINGS**

Five executive and one special executive meetings were held during 2021.

## **9 BOSBERAAD**

A highlight of 2021 was the “Bosberaad” held 15-16 May 2021 and facilitated by Ms Amanda Younge Hayes. Old Mutual sponsored the Bosberaad.

The purpose of the Bosberaad was for the Board to determine “what worked for SAMLA, what did not work, and to pave the way for a “new” SAMLA”. An extract from the meeting reached agreement on the following Governance and Institutional Issues that:

- i. SAMLA will develop a Code of Conduct for Board members, which will also be applicable to Honorary Life Members and the Non-Executive President.
- ii. An education and training committee is to be established that will include all educational offerings by SAMLA including Faculty, Provincial Branches, Special Interest groups, SAMLA central.
- iii. The SAQA issue does not require action now. SAMLA will only be able to comply with SAQA registration conditions in the long term. It was agreed that SAMLA should continue to work towards this goal.



- iv. When needed, additional administrative support can be contracted but in the long term additional staff need to be appointed.

Many of the proposals made at the meeting have already been implemented. The report is available to the membership.

## **10 COMPLYING WITH THE COMPANY ACT 71 OF 2008**

To ensure good governance by complying with the Companies Act, EXCO continued to monitor the need to expand the number of committees to ensure good governance. Various activities were identified and consolidated into smaller committees. Thus a number of committees were introduced led by a director or a SAMLA member not serving on the board. I have highlighted some aspects from individual reports. The reports are available on the SAMLA website.

### **10.1 MEDIATION COMMITTEE**

#### **10.1.1 Pilot study**

Under the chairmanship of Dr Trevor Frankish the committee showed much success. A total of 32 mediators have participated in 23 mediations in the Gauteng Health Department pilot project since November 2019. An analysis showed that 5 mediators completed between 5 and 10 mediations as lead mediator or co-mediator, while 27 others participated either as co-mediator or observer. The Gauteng Provincial Health Department requested a further 25 pro-bono matters to be covered by SAMLA which was approved by the Board. However, the Gauteng Health Department has not taken up the offer of any further pro bono mediations to assist with medico-legal cases since end July 2021, this could be attributed in a change in leadership.

#### **10.1.2 Association of Dispute Resolution Practitioners of SA**

SAMLA has also been requested to nominate a member to serve on the board of the alternative dispute resolution body. For this purpose Johanna Mosime was nominated to serve on the board of the Association of Dispute Resolution Practitioners of SA



## **10.2 ROAD ACCIDENT FUND (RAF) COMMITTEE**

### **10.2.1 Resignation of Dr Enslin**

Dr Enslin resigned as chairperson of the RAF committee and it was unanimously decided that Attorney Leigh de Souza-Spagnoletti will take over the chairmanship of the committee.

### **10.2.2 RAF workshop**

Attorney Leigh de Souza-Spagnoletti and Danie Weideman offered a successful one day workshop for 7 CPD points on the 13 March 2021

### **10.2.3 RAF pilot study in mediation**

SAMLA agreed to offer pro-bona 100 RAF cases applying mediation, however RAF stopped the pilot study after reaching 68 cases.

## **10.3 BUSINESS DEVELOPMENT COMMITTEE**

The committee is chaired by Rowan Haarhoff. The SAMLA Financial Policy was completed and approved by the Board. In addition the committee emphasises the introduction of a uniformed approach to running and marketing Online Provincial events to increase organisational clarity and consistency of message amongst members. A standard operating procedure was completed for this purpose. Secondly to create a calendar that can set out all the education and learning opportunities available to members throughout the year. For this purpose a special committee under the chairmanship of Prof Tabane, a programme of activities will be made available to the membership.

## **10.4 EDUCATION AND TRAINING COMMITTEE REPORT**

### **10.4.1 AZLYN giving notice to terminate all services by 30 November 2021.**



The service provider AZLYN indicated that they were terminating their service at the end of November 2021 in providing technical support for the workshops. The Board thus agreed to accept AZLYN's proposal. Plans were introduced to complete all workshops including the Foundation Course, taking cognizance not to compromise any student. It must be noted that the Foundations Course has been put on hold until such time that an audit is done of the course and recommendations made in how this course should be offered in the future.

#### **10.4.2. SAMLA's Intellectual property**

The service provider saved all SAMLA data on an external hard drive and this was delivered to the Communication's Director Dr K Levin on 21/10/2021.

#### **10.4.3 Certificates**

All certificates for the Foundation Course and workshops are being compiled. Certificates will have both UCT & SAMLA logos displayed on it.

#### **10.4.4 Education and Training committee**

As decided at the Bosberaad an Education and Training committee should be introduced.

Prof Tabane was appointed to Chair the committee until the new board is appointed. At the first new board meeting the chairperson and deputy chairperson will be appointed and will serve the normal term of office.

As decided at the Bosberaad all educational offerings are to be coordinated in this committee. The composition include all chairpersons of the provinces, research and credentialing committees. The Faculty becomes a sub-part of the committee and will cease to exist once the national workshops and Foundation course are no longer offered. One person in the Education and Training Committee will focus on Continued Education. A representative for the interest groups to be appointed who will serve on the committee.



## **10.5 FINANCIAL COMMITTEE**

SAMLA has shown a positive financial balance for 2021 and obtained a clean audit. Detail of the financial situation is captured in the Treasurer's report.

## **10.6 ADMINISTRATION AND QUALITY COMMITTEE**

The committee formulated a proposal for the appointment of an admin coordinator which was approved by the board. Thus on the 1 November Ms Cheryl Adams was appointed.

The committee further ensured that SAMLA was compliant with CIPC requirements and designed a risk register approved by the Board. The risk register will be completed by the new board.

## **10.7 COMMUNICATION REPORT**

The Communication Director Dr Karen Levin should be complimented for revising the SAMLA website, introducing more user friendly functions on the website and keeping our social media platforms active, specifically LinkedIn and Facebook. The latest SAMLA review (Nov issue) takes us through the journey where we have been and where we hope to go. During the current year four SAMLA reviews were published.

Dr Levin formulated the POPIA and PAIA policies based on the relevant legislation ensuring that SAMLA is now compliant with these Acts.

ITNT has established the SAMLA website that is POPIA compliant and is appropriate from both sides.

NextCloud has been set up for capturing all communications and admin in the cloud. Access is for Chairperson, Treasurer, Admin Director, Communications Director, Secretary and Admin Coordinator



I would like to acknowledge and thank our secretary Christa for managing all email communication. She is the link to the outside. On average she responds to at least 20 emails per week about a variety of issues. Christa is our electoral officer who was responsible for the elections of new directors during the course of the year, the provincial elections and the board elections.

## **10.8 CREDENTIALING COMMITTEE**

Guided by Barbara Donaldson as chairperson for the credentialing committee. Criteria for the various tiers are on the website and the membership are encouraged to apply for the more senior tiers should they meet the criteria. At this stage all applications were based on RPL. The following tiers are:

- *Tier 1: Medico-Legal Practitioner*
- *Tier 2: Advanced Medico-Legal Practitioner*
- *Tier 3: Senior Medico-Legal Practitioner*

Current registrations on the medico-legal register 58 and mediation committee 104.

## **10.9 TRANSFORMATION COMMITTEE**

Led by Dr Sharon Munyaka the Transformation policy was completed and approved at the last Board meeting. Part of the transformation of SAMLA is to engage with the youth. The first Youth seminar was presented on the 17<sup>th</sup> June 2021. This initiative was very successful. SAMLA hopes to offer more educational activities for the youth at no charge.

## **10.10 INTEREST GROUPS**

### **10.10.1 Quantification interest group**

Under the leadership of Ms Charlene Labuschagne, the committee has been very active. In their last report it was reported that they had three meetings and two training sessions.



## **10.10.2 Case management interest group**

Advocate Johan J Venter leads the case management group. Some of SAMLA's members have given presentations which show how so many of the cases are mismanaged, the funds depleted, and the disabled persons left penniless.

The protection of funds interest group had several meetings during late 2020 and the first quarter of this year. Despite agreements to provide information on agreed timelines, in the portfolio's nothing materialised. The group then agreed to a different strategy for the case management workgroup to provide their view on what they require courts to consider to serve their clients better. Again this did not materialise.

Adv Venter is of the opinion that the free for all approach, allowing members to attend without being obligated to contribute appears problematic. With respect, even the case managers who presented during workshop 8 explained that their plight failed to provide the necessary information they agreed to. Thus SAMLA may have to review how these interest groups function. For example, smaller dedicated teams may be more suitable.

## **10.11 PROVINCIAL ACTIVITIES**

The new approach to offering SAMLA educational activities via the provinces is creating much excitement and networking. Each province takes the lead in organizing and offering an activity which may be offered nationally. These activities are cost effective and affordable for the membership. Provinces are welcome to work together.

Gauteng under the leadership of Stacey Aires has taken the lead in offering fireside chats on a monthly basis. Gauteng also offered the POPIA seminar which was repeated.

The ECP offered a seminar on *Informed consent* which was also well attended and successful.



The WCP offered a discussion about midwifery and obstetric care in the rural environment.

All discussions were offered at special low fees. WCP was free.

Recently the provincial elections were completed which is creating much excitement about the activities being debated for 2022. The 2022 programme will soon be available.

## **11 COLLABORATION WITH MPS (A MEMBER OF THE MEDICAL PROTECTION SOCIETY LIMITED GROUP OF COMPANIES)**

SAMLA co-signed a letter written by MPS for the Minister of Justice with reference to the criminalization of healthcare professionals

Kate Tullett Media Relations Manager of *The Conversation* invited SAMLA to write an article about the situation in South Africa regarding criminalization of healthcare professionals. Prof Lerm and I have completed the article and have submitted it to them.

## **12 MEMORANDUM OF INCORPORATION (MOI)**

Changes made to the MOI at the last AGM were implemented. However today the meeting will vote on additional changes to the MOI as approved by the last Board meeting

## **13 CURRENT MEMBERSHIP**

SAMLA Registered medico-legal practitioners: 58

SAMLA Registered Mediators: 104

Total Paid-up members on 22/11/2021: 467

Total expired and non-members: 1286



## 14 POLICIES AND CODES

### The Board approved the following:

- Agreement in terms of POPI with Azlyn Creative was sent to AZLYN but SAMLA received no response.
- Code of Conduct for Honorable Life appointed members
- Continuous professional development (CPD)
- Financial
- Policy based on the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000) ("The Act"). (PAIA)
- Policy based on the Protection of Personal Information Act (POPIA).
- Research
- Transformation

## 15 CONCLUSION

SAMLA is on an exciting trajectory. During the past two years much was done to create good governance and to become an organization compliant with the Company Act. We were faced with many challenges during 2021 but through the commitment, perseverance and tenacity of the Board Directors we have created a pathway which will lead us to greater heights than ever before. Through our actions and what we offer to the members, should grow our membership.

As from 2022 the new board will be confronted in appointing a committee to start preparing to host SAMLA's first international conference in their second year of office. We need to network internationally, to seek best practices and we will not reach greater heights if we don't venture beyond our borders and continue to operate in a silo. Thus this will bring great excitement for the membership to benchmark internationally.



# The South African Medico-Legal Association

Finally on behalf of the SAMLA board I would like to wish you a safe, secure and blessed festive holiday season. And a wonderful year ahead.

27 November 2021

Prof Ethelwynn L Stellenberg

National Chairperson