



## **ANNUAL GENERAL MEETING**

**21 November 2023**

## **ANNUAL REPORT**

### **1 INTRODUCTION**

It gives me pleasure to present to you the SAMLA Annual Report for the year 2023.

A new term of office (2022-2023) of newly elected members elected at the AGM 2021 commenced their fiduciary duties in January 2022.

Introducing the new SAMLA Certificate Foundation Programme in Medico-Legal Practice and completing it successfully on the 18 November was the high light of 2023.

### **2 BOARD OF SAMLA**

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

1. Prof Ethelwynn Stellenberg (National Chairperson)
2. Dr Sharon Munyaka (National Deputy Chairperson- Health):
3. Adv Johanni Barnardt, (National Deputy Chairperson – Legal and Chairperson of Credentialling Committee)
4. Attorney Johan Jordaan (National Treasurer)
5. Dr Natalie Benjamin-Damons, (Director: Chairperson -Education and Training Committee)
6. Mr JP Venter (Director: Chairperson Mediation committee and Acting Chairperson for the Quantification Interest Group).
7. Dr Willem Moore (Director: Chairperson Legal and Ethics)

**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 Johanni Barnardt SC (National Deputy Chairperson: Legal); Dr Sharon Munyaka (National Deputy Chairperson: Health Sciences & Transformation Director); Dr Willem Moore (Chairperson: Ethics and Legal Matters); Ms Desiree David (Chairperson: Eastern Cape Branch); Mr Johan Jordaan (National Treasurer); Dr Natalie Benjamin-Damon (Chairperson: Education and Training Committee); Credentialling Committee) Adv Mandy Joubert (Chairperson: Gauteng Branch); Mr JP Venter (Chairperson: Mediation Committee); Dr Carlien Van Heerden (CPD Director); Mr Rowan Haarhoff (Business Development Director); Mr Mark Eaton; Mrs Naomi Williams; Adv Maryke Pienaar (RAF Director); Dr Mogori Thomas Mogashoa; Adv Carlos Da Silva SC; Dr Ray Maharaj; Desiree David (Chairperson ECP)

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



8. Dr Carlien Van Heerden (Director CPD)
9. Dr Mogori Mogashoa, (Director: Administration)
10. Adv Maryke Pienaar (Director: RAF and Director: Communication)
11. Adv Carlos da Silva (Director)
12. Dr Ray Maharaj (Obstetrician)
13. Attorney Desiree David (Chairperson of the ECP)
14. Adv Mandy Joubert (Chairperson Gauteng)
15. Naomi William (Treasurer KZN)
16. Mark Eaton (ECP-Treasurer)
17. Chairperson of the WCP (Vacant)
18. Chairperson of the Free State (Vacant)

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

The following members served on the executive board:

1. Prof Ethelwynn (National Chairperson)
2. Adv Johanni Barnardt, (National Deputy Chairperson - Legal)
3. Dr Sharon Munyaka, (Deputy Chairperson - Health), Transformation Director
4. Dr Natalie Benjamin-Damons, (Chairperson -Education and Training Committee)
5. Attorney Johan Jordaan, (National Treasurer)
6. Adv Maryke Pienaar (Communication)
7. Mr Rowan Haarhoff, (Chairperson Business Development Committee, WC Treasurer)
8. Dr Mogori Thomas Mogashoa (Director: Administration)

### **4 NON-EXECUTIVE PRESIDENT AND HONORARY MEMBERS**

Prof Henry Lerm (Non-Executive President).

Dr & Adv Anton Van den Bout,

Dr Herman Edeling,

Mr Trevor Reynolds,



Prof Jan Becker

## **5 RESIGNATIONS**

Anneka Greef (Communication director)

Gugu Gopfert (Chairperson KZN)

Prof R Tabane (Chairperson of the Credentialing Committee)

## **6 NEW APPOINTMENTS**

Dr Ray Maharaj (Obstetrician)

## **7 BOARD MEETINGS**

Four board meetings were held during 2023.

## **8 EXECUTIVE COMMITTEE MEETINGS**

Four executive meetings and one special executive meeting were held during 2023.

## **9 IMPLEMENTATION OF THE STRATEGIC PLANNING COMMITTEE RESOLUTIONS NOVEMBER 2022**

**Three strategic steps** were taken at this meeting for implementation in 2023 namely,

1 Managing the Board: Induction and board skills development and training for all

2 Communication and Education strategies: To continue with workshops and fireside talks. Refining curricula, identifying faculty for the new foundation programme.

3 Annual Conference arrangement to continue and Foundations Program to be redeveloped.

### **The board decided that:**

The induction and skills development of the board directors be implemented with the new board directors elected for the office period 2024-2025.



Communication and Education strategies: to continue with fire-side chats and workshops and to implement the Foundation programme, which was implemented. The conference to stand over to 2024.

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

To ensure good governance by complying with the Companies Act, the SAMLA board and EXCO continued to monitor the activities of SAMLA according to the MOI to ensure good governance. Various activities are consolidated into smaller committees. I have highlighted some aspects from individual reports. The reports are available on the SAMLA website.

### **10.1 MEDIATION COMMITTEE**

Chaired by Johan Venter with the assistance of Dr Trevor Frankish the pilot project of 50 mediations for the Gauteng Health Department is about to be completed. On request from the Gauteng Department of Health for SAMLA to assist with 100-150 mediations, SAMLA has agreed to a 100 but against a small fee to pay mediators who assist with this task. SAMLA is still waiting for the response from the Health Department.

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

#### **10.2.1 Mediations with RAF**

Adv Maryke Pienaar as chair of the RAF committee reported that RAF will inform SAMLA when additional mediations are required.

Dr Edeling was invited to the EXCO of RAF, but this was postponed. Dr Edeling has since enquired about a further date.

#### **10.2.2 RAF Challenges Group**

SAMLA represented the public by signing a memorandum formulated by the RAF challenges group which comprised of various law associations to all stakeholders about challenges in the RAF.



### **10.2.3. RAF Amendment Act**

SAMLA under the leadership of Adv Maryke Pienaar and the RAF challenges group submitted comments on the new amendment RAF Act

### **10.3 BUSINESS DEVELOPMENT COMMITTEE**

The committee is chaired by Rowan Haarhoff (Actuary).

The Business Development Plan as formulated under the chairmanship of Rowan Haarhoff was implemented with much success.

### **10.4 CONTINUOUS PROFESSIONAL DEVELOPMENT (CPD)**

Dr Carlien Van Heerden led and coordinated CPD activities.

CPD policy was amended and approved by the board specifically paragraph 5.2 of the policy which changes to “The requirement to accumulate CPD points will become effective on the date a member was registered as a SAMLA Medico-Legal Practitioner”.

Paragraph 8.3 “If they remain non-compliant, they will be removed from the SAMLA Medico-Legal Practitioners register”. An appeal can be lodged against removal from the register. The SAMLA. Credentialing Committee will then consider the appeal.

The activities completed included a letter to SAMLA members and registered MLP to inform them about the SAMLA CPD points and policies.

Discussions with the Website Committee took place regarding the scope of the website and CPD functionality.

Work In progress are the implementation and monitoring of SAMLA CPD’s for MLP.

### **10.5 EDUCATION AND TRAINING**

The Education and Training Committee chaired by Dr Natalie Benjamin-Damons for taking the lead in ensuring that the Certificate in Medico-Legal Practice Foundation Programme was implemented.

The Certificate in Medico-Legal Practice Foundation programme was implemented on 12 August and ended on 18 November 2023. The programme consisted of eight modules which were offered by excellent presenters.



The modules offered were as follows:

- 1 Introduction to Medico-Legal Practice
- 2 Introduction to Medical Law
- 3 Interaction between Medical Law and Ethics
- 4 Alternative Dispute Resolution Vs Litigation
- 5 Procedural Issues
- 6 Court Procedure and Conduct
- 7 Mediation
- 8 Quantification for Damages

A special acknowledgement goes to Prof Henry Lerm SAMLMA's Non-Executive President, who designed the descriptors and content of the modules.

SAMLMA also acknowledges the directors who assisted with the plan for each module, identifying presenters and ensuring that the module was executed successfully.

The chairperson Dr Natalie Benjamin Damons is applauded for her role in not only ensuring that the programme was implemented and executed without a problem, but she ensured that the technology also worked perfectly. Responding to all educational queries students may have and implementing the online assessment.

SAMLMA also acknowledges all the presenters who participated in offering excellent presentations, placing the new SAMLMA course in medico-legal practice on a very high level of excellence. There is no doubt that the bar of excellence has been set. SAMLMA will need to persevere and continue on this level or higher.

The dates for class 2024 have been approved by the board and was circulated.





# The South African Medico-Legal Association

In addition to the Foundation Programme SAMLA also ensured that we had fireside chats and workshops during the year.

The following statistics of the educational and training activities all CPD approved are shown in the table below.

Fireside chats, seminars and Foundations course 2023 stats			
Date	Topic	Amount	Number of delegates
<b>Fireside Talks</b>			
18/01/2023	Scientific Writing (Basic rules of writing reports)	Free	93
25/04/2023	The law, ethics & criminal conduct of Healthcare professionals	Free	153
10/05/2023	Interprofessional Interactions in a challenging clinical environment	R80.00 pp	30 (11 in person)
10/08/2023	Are killers, prostitutes & thieves entitled to claim loss of earnings	Free	345
<b>Seminars</b>			
23/02/2023	Informed Consent	Paid-up members R600, Non-members R1200, Students R200	37
10/06/2023	M-L Report Writing do's and don'ts	Paid-up members R1000, Non-members R1500, Students R200	69
<b>New Foundations in M-L Practice 2023</b>			
<b>Module 1 12 Aug 2023</b>	Introduction to M-L Practice	Full Course members R9 500, Non-members R10 500, Per Module members & non-members R1 500	54 31
<b>Module 2 26 Aug 2023</b>	Introduction to Medical Law & Ethics	Full Course members R9 500, Non-members R10 500, Per Module members & non-members R1 500	54 19
<b>Module 3 9 Sept 2023</b>	Interaction between Medical Law and Ethics	Full Course members R9 500, Non-members R10 500, Per Module members & non-members R1 500	54 19
<b>Module 4 23 Sept 2023</b>	Alternative Dispute Resolution vs Litigation	Full Course members R9 500, Non-members R10 500, Per Module members & non-members R1 500	54 18
<b>Module 5 7 October 2023</b>	Procedural Issues	Full Course members R9 500, Non-members R10 500, Per Module members & non-members R1 500	54 13
<b>Module 6 21 October 2023</b>	Court Procedure & Conduct	Full Course members R9 500, Non-members R10 500, Per Module members & non-members R1 500	54 22
<b>Module 7 4 November 2023</b>	Mediation	Full Course members R9 500, Non-members R10 500, Per Module members & non-members R1 500	54 17
<b>Module 8 18 November 2023</b>	The Quantification of Damages	Full Course members R9 500, Non-members R10 500, Per Module members & non-members R1 500	54 14

## 10.6 FINANCIAL COMMITTEE

SAMLA has shown a positive financial balance for 2023. Details of the financial situation are captured in the Treasurer's report.

## 10.7 ADMINISTRATION AND QUALITY COMMITTEE

Under the leadership Dr Mogori (Thomas) Mogashoa

- SAMLA required coordination and rendering of administrative and logistical services and Ms Evelyn Mofokeng was willing to provide these services as an independent contractor referred to "Administrative coordinator". A service level



agreement was signed with Evelyn Mofekeng and SAMLA and Evelyn was appointed.

- Ensured that SAMLA was compliant with CIPC requirements.
- Assisted with various talks with Department of Health Limpopo to register employees of the Department of Health Limpopo at a group fee. Process still ongoing.
- CIPC is updated and completed in terms of resignations of the old board members.
- Since January 2023, 106 new members have joined. Presently SAMLA has a total of 584 members. Membership has grown since last year, when approximately 385 people paid their membership fees.
- SAMLA has abandoned zoom entirely in favour of Microsoft Teams.
- The committee has indicated that the work which is in progress included:
  - Microsoft TEAMS application for NPC licensing that are less expensive than the present business licenses we have.
  - Registration in the CSD Database to receive a supplier registration number to do business with the government.
  - SAMLA members in small Provinces will be consolidated.
- Distribution of members include Botswana 1; Eastern Cape 46; Eswatini 1; Free State 15; KwaZulu-Natal 68; Limpopo 20; Mpumalanga 13; Namibia 3; North West 10; Northern Cape 7; Western Cape 98; Gauteng has the majority of members.

## **10.8 COMMUNICATION COMMITTEE**

After the resignation of Anneka Greef, Adv Maryke Pienaar took up the chairperson's role with much enthusiasm. She has since completed two of SAMLA's newsletters and is working with a website designer as approved by the board to redesign SAMLA's website.





## 10.9 CREDENTIALING COMMITTEE

Guided by Prof Tabane as chairperson for the credentialing committee for most of the year and through work pressure and other commitments had to resign. The chairperson's position was taken over by Adv Johanni Barnardt. SAMLA members are urged to apply for registration as ML practitioners.

- Current registrations on the medico-legal practitioners register: 71 and mediation register: 100.
- As decided by the Board applicants who have completed the foundation course in medico-legal practice will automatically be listed on the MLP register.

## 10.10 TRANSFORMATION COMMITTEE

Led by Dr Sharon Munyaka continued to monitor that SAMLA portfolios included a component of transformation across all SAMLA activities e.g., conferences, updating policy, training activities, recruitment and selection of directors and representation of speakers across events to enable representation and diverse inputs across medico-legal professions.

## 10.11 DISCIPLINARY COMMITTEE

- Chaired by Adv Johanni Barnardt
- The committee received no complaints to investigate.

## 10.12 LEGAL AND ETHICS COMMITTEE

Dr Willem Moore chaired this committee. The committee only had one legal issue to consider during the year which was resolved.

## 10.13 INTEREST GROUPS

### 10.13.1 *Quantification interest group*

Under the leadership of Acting Chairperson Mr JP Venter the interest group completed one training event in conjunction with SIOPSA:

“Earnings Research: How, why, and what to consider”. (+40 participants attended)

Research was completed regarding educational psychologists' medico-legal reports.



Currently they are busy with an article for the SA Journal of Psychology regarding quantification issues that include research.

A training event is planned for 24/11/2023 in conjunction with SIOPSA.

“Government Employees Remuneration

## **11 PROVINCIAL ACTIVITIES**

Since the new approach was introduced for provinces to arrange face to face activities within the province only Gauteng offered a fireside chat during the current year.

## **12 COLLABORATION ACTIVITIES**

### **12.1. South African Institute of Medico Legal Experts (SAIME)**

SAMLA received an invitation from SAIME to collaborate on medico-legal matters. The board approved the invitation and a delegation from the executive committee was elected to meet with SAIME. Unfortunately, despite numerous attempts to meet with SAIME, SAMLA received no response.

## **13 FUTURE: MEMORANDUM OF INCORPORATION (MOI) CHANGES TO BE CONSIDERED.**

Moving to the next level of becoming a registered professional organisation with South African Qualifications Authority (SAQA), SAMLA should consider the following MOI changes:

- Decreasing the number of board directors as it is becoming challenging to recruit directors to serve on the board.
- Secondly the term of office of directors to increase to at least three years. It will give a new board more time to plan, strategise, implement and evaluate strategies implemented.
- Decreasing the directors should coincide with an increase in the office staff who is able to function on a high level in leadership and management.
- Staff leadership should provide continuity between a change in boards.



- Directors should have an oversight role, and not carry out functions meant for staff E.g., drafting letters, writing a policy should be written by the staff leadership and only be evaluated by the directors. Planning the education programme, monitoring CPD of MLPs etc.

## 14 POLICIES

**The Board approved the following:**

- Amendment to the Policy for Continuous professional development (CPD) and SOP
- Quality assurance of education activities implemented.

## 15 CURRENT MEMBERSHIP

- SAMLA Registered medico-legal practitioners: 71
- SAMLA Registered Mediators: 100
- Total Paid-up members on 21/11/2023: 579

## 16 NATIONAL CONFERENCE 2024

The new board will be taking SAMLA a step further by hosting a national conference in October 2024. We need to network internationally to seek best practices. This will bring great excitement for the membership to benchmark internationally.

## 17 FUTURE CONSIDERATIONS

The new SAMLA Certificate Foundation Programme in Medico-Legal Practice was introduced with much success. The next level is for SAMLA to work towards becoming a professional organization.

## 18 CONCLUSION

As the chairperson of the past two years, I would like to acknowledge the board directors for their continuous support and commitment to SAMLA, their tenacity and perseverance to ensure that we deliver to the members.

To our admin staff for their support and commitment to ensure that the wheels of SAMLA runs smoothly without any problems.



Most of all Prof Henry Lerm, our Non-executive president for his valuable time, commitment and dedication towards the success of SAMLA. He never missed a SAMLA meeting whether board, exco or any other meeting where his valuable input was required. Prof Lerm can be described as a genuine warrior for SAMLA. Nothing is too much for him.

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

Prof Ethelwynn L Stellenberg

National Chairperson