



## **ANNUAL GENERAL MEETING**

**29 November 2022**

## **ANNUAL REPORT**

### **1 INTRODUCTION**

It gives me pleasure to present to you the SAMLA Annual Report for the year 2022.

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

As a result of the covid pandemic a new normal for SAMLA was created that all meetings were continued to be 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.

### **2 BOARD OF SAMLA**

**The following members serve 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)
4. Attorney Johan Jordaan (National Treasurer)
5. Anneka Greef (Director: Communication)
6. Dr Natalie Benjamin-Damons, (Director: Chairperson -Education and Training Committee)

**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); Mrs Anneke Greeff (Communications Director); Dr Natalie Benjamin-Damon (Chairperson: Education and Training Committee); Mrs Gugu Gopfert (Chairperson: KZN Branch); Prof Ramodungoane Tabane (Chairperson: 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

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



7. Mr JP Venter (Director: Chairperson Mediation committee and Acting Chairperson for the Quantification Interest Group).
8. Dr Willem Moore (Director: Chairperson Legal and Ethics)
9. Prof Ramodungoane Tabane (Director Chairperson Credentialing committee.
10. Dr Carlien Van Heerden (Director CPD)
11. Dr Mogori Mogashoa, (Director: Administration)
12. Adv Maryke Pienaar (Director: RAF)
13. Adv Carlos da Silva (Director)
14. Attorney Desiree David (Chairperson of the ECP)
15. Adv Mandy Joubert (Chairperson Gauteng)
16. Gugu Gopfert (Chairperson KZN)
17. Naomi William (Treasurer KZN)
18. Mark Eaton (ECP-Treasurer)
19. Chairperson of the WCP (Vacant)
20. 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. Anneke Greeff (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

1. Ms Yvonne Raganya Refiloe (Board Director)

2. Attorney Charlene Labuschagne (Board director)

3. Attorney Danie Weideman (Board director)

4. Mr Renier Jacobs (Administrative Director: Chairperson of WCP)

5. Ms Stacey Aires (Gauteng Chairperson and Education and Training Committee)

6. Dr Thabiso Rapapali (Free State - Chairperson)

## 6 NEW APPOINTMENTS

1. Adv Maryke Pienaar (Board Director)

2. Dr Mogori Thomas Mogashoa (Board Director: Administration)

3. Adv Carlos da Silva (Board Director)

4. Adv Mandy Joubert (Gauteng Chairperson)

## 7 BOARD MEETINGS

Four board meetings and one special board meeting were held since the last AGM in December 2021.



## 8 EXECUTIVE COMMITTEE MEETINGS

Six executive and one special executive meeting were held during 2022.

## 9 BOSBERAAD 2021

Resolutions decided upon at the Bosberaad held in May 2022

1. **SAMLA will develop a Code of Conduct** for Board directors, which will also be applicable to Honorary Life Members and the Non-Executive President. A separate code of conduct for honorary members and a specific code of conduct for board directors were developed. These codes were approved by the Board.
2. An **education and training committee** was to be established that will include all educational offerings by SAMLA including Faculty, Provincial Branches, Special Interest groups, SAMLA central. The education and training committee was established and was chaired by Stacey Aires. The resolutions taken at the Bosberaad were implemented and were evaluated. However, changes to the E & T committee were made namely that the Credentialing and CPD no longer formed part of the E & T Committee. It was felt that the E & T committee were confronted with too many activities. The board approved the change.
3. **Administration support to be appointed.**  
A proposal for the appointment of an admin coordinator was formulated and admin support was appointed.

## 10 STRATEGIC PLANNING COMMITTEE 2022

A strategic planning committee was held on the 12 November facilitated by Dr Brad Beira. **Three strategic steps** were taken at this meeting for 2023 namely,

- 1 Managing the Board: induction and Board skills development and training for all Directors



- 2 Communication and Education strategies: To continue with workshops and fireside talks. Refining curricula, identify faculty
- 3 Annual Conference arrangement to continue and Foundations Program to be redeveloped

## **11 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.

### **11.1 MEDIATION COMMITTEE**

#### **11.1.1 Pilot study**

Under the chairmanship of Dr Trevor Frankish the committee showed much success. The pilot project of 100 RAF mediations came to an end and the original commitment of 25 pro bono mediations for the Gauteng Health Department has been exceeded (now about 29 cases). After reaching the goal set for the pilot study Dr Frankish indicated that a new chairman was required to continue the project. Attorney Danie Weideman agreed to continue but unfortunately due to work commitments had to resign. Mr Johan Venter has now taken up the chairperson's position of the mediation committee. Discussions with ECP are underway for a new pilot study to be started in the ECP. Activities in Gauteng to continue.

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



### **11.2.1 New chairmanship**

Attorney Leigh de Souza-Spagnoletti served as chairman of the committee and resigned after a year. Adv Maryke Pienaar agreed to take up this position.

### **11.2.2 RAF workshop**

SAMLA participated in RAF Round Table Stakeholder discussion held on 1 March 2022

### **11.2.3 RAF pilot study in mediation**

- SAMLA agreed to offer pro-bona 100 RAF cases applying mediation which was completed,
- SAMLA attended a court stakeholder committee meeting chaired by Honorable Justice Mlambo and attended by DJPs Sutherland and Ledwaba from both Gauteng Local and Gauteng Division. The Court appears eager to establish a mediation pilot project aimed at addressing the backlog of trials and reducing pressure on the trial roll allocation system. Support for such a project appeared variable with some attendees strongly in favour thereof with others either skeptical or opposed thereto.

## **11.3 BUSINESS DEVELOPMENT COMMITTEE**

- The committee is chaired by Rowan Haarhoff.
- A learning management system (LMS) was explored for SAMLA members to access various recorded workshops. SAMLA will require a proper business plan before we commit to monthly obligations: Estimated cost per month is about R3000.
- The chairperson urged the various committees to increase the adoption of the Business Development Plan.
- The committee emphasised 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.



- To create a calendar that can set out all the education and learning opportunities available to members throughout the year.
- Completed Sponsorship Policy

## 11.4 EDUCATION AND TRAINING

### 11.4.1 **Certificates**

All certificates for the Foundation Course and workshops were completed and sent to students. Certificates have both UCT & SAMLA logos displayed on it.

### 11.4.2 **Education and Training committee**

As decided at the Bosberaad an Education and Training committee should be introduced and this was implemented. The committee chaired for most of the year by Stacy Aires was successful in organizing and implementing the following:

1. Western Cape Fireside Talk: 8 February 2022: *Ethics in Medico-Legal Practice* presented by Dr/Adv Anton van den Bout (the founder of SAMLA).
2. Gauteng: Fireside Talk 22 March 2022 *Ethics and The Medicolegal Expert* by Dr. Michel Lacerte.
3. Feedback on *SALRC Report* on 26 April 2022 by Adv Johanni Barnardt.
4. SAMLA Quantification Interest Group: 12 April 2022 *SA Informal Sector Perspectives & Insights* Presented by *Social Entrepreneur* Charles Maisel, co-founder of Black Umbrellas
5. Gauteng and Western Cape: *CP conference* on 7 May 2022
6. Gauteng: Fireside Talk: 31 May 2022 *Discussed a hypothetical surgical medical negligence case.*
7. Western Cape: *Informed Consent* on the 28th of June 2022. Presented by Prof Henry Lerm and Attorney Desiree Davids
8. KZN and Gauteng: Fireside talk on 17 August 2022  
*Is it Fair to Force a Pastry Chef to be a Bookkeeper? Examining Occupational Ability in Personal Injury Cases*



9 Western Cape: Half day seminar on Saturday, 27 August 2022 *Mock Trial: Hospital on trial* presented by Professor Henry Lerm and Dr and Advocate Anton Van den Bout

10 GAUTENG: *Medico Legal Reporting and Expert Evidence. An Attorney's Perspective* 15 October 2022. Presented by Attorneys Leigh De Souza and Danie Weideman

## **11.5 FINANCIAL COMMITTEE**

SAMLA has shown a positive financial balance for 2022. Details of the financial situation are captured in the Treasurer's report.

## **11.6 ADMINISTRATION AND QUALITY COMMITTEE**

- Under the leadership of Renier Jacobs, the committee formulated a proposal for the appointment of an admin coordinator which was approved by the board. Currently 60 hours of admin support is available for admin activities and the education and training committee.
- The committee further ensured that SAMLA was compliant with CIPC requirements
- Designed a risk register approved by the Board.
- Facilitated the formulation of a Communication Committee.
- Facilitated a meeting with the auditors who identified shortcomings in how incoming funds from various sources are captured electronically. Under the leadership of Johan Jordaan (National treasurer), the problem was addressed with the support of the auditors.

## **11.7 COMMUNICATION COMMITTEE**

- Aneka Greef led the communication committee which was formed during the course of the year.
- Anneke completed three SAMLA Newsletters sent to all our members and others.





- She ensures that our social media namely Face book, LinkedIn and SAMLA website are up to date.
- SAMLA was also interviewed by five radio stations and one television interview for discussions on the criminalization of healthcare professionals. Prof Lerm and the chairperson Prof Stellenberg represented SAMLA in this regard
- The communication policy was completed.
- I would like to acknowledge and thank our secretary Christa for managing all incoming and outgoing email communication. She is the link to the outside. In addition, Christa is our electoral officer who was responsible for the elections of new directors during the course of the year.

## **11.8 CREDENTIALING COMMITTEE**

Guided by Prof Tabane as chairperson for the credentialing committee. Criteria for the various tiers are on the website and the membership is encouraged to apply for the more senior tiers should they meet the criteria. The following tiers are:

- i. Tier 1: Medico-Legal Practitioner*
- ii. Tier 2: Advanced Medico-Legal Practitioner*
- iii. Tier 3: Senior Medico-Legal Practitioner*

- All members who completed the Foundations course successfully were automatically registered on the register for medico-legal practitioners.
- According to the recognition of prior learning (RPL) policy, members who have not completed the foundations course may apply for registration as a medico-legal practitioner by submitting a portfolio of evidence (POE) for evaluation by the credentialing committee.
- SAMLA members are urged to apply for registration as ML practitioners.
- Current registrations on the medico-legal practitioners register: 75 and mediation register: 110.



## **11.9 TRANSFORMATION COMMITTEE**

Led by Dr Sharon Munyaka who continues to monitor that SAMLA portfolios include 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

## **11.10 DISCIPLINARY COMMITTEE**

- Led by Adv Johanni Barnardt the disciplinary policy was completed and approved by the board
- The committee received one complaint about a member for unethical practice. This was explored through a process and finally recommendations were made to the board.

## **11.11 INTEREST GROUPS**

### **11.11.1 *Quantification interest group***

Under the leadership of Acting Chairperson Mr JP Venter. The committee was very active hosting eight (8) meetings.

#### **Training activities:**

- -Informal Sector Talk: Presented by Charles Maisel
- -Discussion of SIOPSA Professional Practice Guidelines for Industrial Psychologists: Presented by Natasha Gerber, Chair of SIOPSA Psycho Legal Interest Group.

Two members of the Q-Group initiated and contributed to a panel of 8 that wrote Guidelines for Industrial Psychologists in medico legal work. This was presented as a panel discussion on the Annual SIOPSA (IP Association) Conference.

The committee proudly indicates that they formed part of the key contributors towards SIOPSA's Professional Practice Guidelines for Industrial Psychologists.



## 11.12 PROVINCIAL ACTIVITIES

The new approach to offering SAMLA educational activities with the provinces taking the lead, created much excitement and networking. However, not all provinces assisted with the offering of educational activities which created unhappiness. It was thus decided that the offering of educational activities will be centralized, i.e. offering activities from a central level. Provinces may continue to network on a face-to-face level and to offer educational events on a national level. These events will be coordinated by the Educational and Training committee.

## 12 COLLABORATION ACTIVITIES

### 12.1 Medical Protection Society (MPS) (A Member Of The Medical Protection Society Limited Group Of Companies)

1. 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 the chairperson completed the article and this was published.
2. On the 23 November SAMLA was invited to participate in a round table conference held in Pretoria to continue the discussion about the criminalization of healthcare professionals and the way forward. The chairperson, Prof Stellenberg, Prof Lerm and Adv Johanni Branardt represented SAMLA via zoom. At the meeting Ms Ronel Van Zyl from the Law Reform Commission gave a talk about the process to follow to bring about any changes to legislation.
3. The chairperson met with Dr Graham Howarth on Sunday 27<sup>th</sup> November 2022 for collaboration in the training of medico-legal experts and further collaboration about the criminalization of healthcare workers.



## 12.2. 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.

## 13 SALRC: INVITATION TO PARTICPATE IN A WORKSHOP ON MEDICAL CLAIMS

SAMLA received an invitation to provide input on the report on Medico-Legal Claims by the SALRC. Further to this SAMLA was invited to the Commission's office in Centurion to participate in a workshop on the *Discussion Paper 154 Project 141: Medico-Legal Claims* on the 8 March 2022. SAMLA was represented by the chairperson Prof Stellenberg, Prof Lerm and Adv Johanni Barnardt.

## 14 MEMORANDUM OF INCORPORATION (MOI) AMENDMENTS

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. The **following requires approval:**

### **MOI amendments for approval:**

*"7.2.1.1 the Chairperson of each Branch of the Company will be appointed ex-officio to the Board of Directors"*. The **treasurer of the branches** will no longer be appointed to the Board of Directors.

*"7.8.3 The term of office for the non-executive president will be two election periods i.e., four (4) years and who may be re-elected for another term of office"*

### **New addition to the MOI**



“11.12 *“SAMLA seeks to promote continuing professional development of competent, ethical professionals to facilitate excellence in medico-legal practice for the good of the public of South Africa”.* **New addition to the MOI**

## 15 POLICIES AND CODES

**The Board approved the following:**

- Code of Conduct for Honorable Life appointed members
- Code of Conduct for Board Directors
- Policy for Continuous professional development (CPD) and SOP
- Communication
- Disciplinary policy

## 16 CURRENT MEMBERSHIP

- SAMLA Registered medico-legal practitioners: 75
- SAMLA Registered Mediators: 110
- Total Paid-up members on 25/11/2022: 487

## 17 CONCLUSION

SAMLA is on an exciting trajectory. During the past year much has been done to create good governance and to become an organization compliant with the Company Act. We were faced with many challenges during 2022 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.



SAMLA will be hosting a national conference in October 2023. We need to network internationally to seek best practices. This will bring great excitement for the membership to benchmark internationally.

However, for continuity in the governance of SAMLA, a managing director for SAMLA should be considered and appointed on a full-time basis. SAMLA should strive to strengthen their financial position for this to materialize. A new board is appointed every second year, providing very little or no continuity in the governance of SAMLA. Thus, SAMLA should strive to make this a reality.

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.

29 Nov 22

Prof Ethelwynn L Stellenberg

National Chairperson