



The South African Medico-Legal Association

ANNUAL GENERAL MEETING

5 DECEMBER 2020

ANNUAL REPORT

1 INTRODUCTION

It gives me pleasure to present to you the SAMLA annual report for the year 2020.

The year 2020 will always be remembered as the covid-19 pandemic year which created many challenges to all walks of life. We were faced with many challenges, impossible to list.

Covid-19 also had some positive benefits specifically that technology expanded tremendously which allowed us at SAMLA to communicate more frequently at very low costs. No longer were we dependent on flights and accommodation in Johannesburg. A cost saver for SAMLA.

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 Companies 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)

Prof Ethelwynn Stellenberg (National Chairperson)

Prof Henry Lerm (National Deputy Chairperson - Legal; Eastern Cape - Branch Chairperson)

Mr Trevor Reynolds (National Deputy Chairperson - Health Sciences)

Dr Herman Edeling (Faculty Course Leader)

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

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Directors: Prof Ethelwynn Stellenberg (National Chairperson); Dr Henry Lerm (National Deputy Chairperson – Legal; Eastern Cape - Branch Chairperson); Mr Trevor Reynolds (National Deputy Chairperson - Health Sciences); Dr Herman Edeling (Faculty Principal); Mr Johan Jordaan (National Treasurer); Dr Karen Levin (Communications Director); Mr JP Venter (Administration & Quality Assurance Director); Dr Sharon Munyaka (Transformation); Ms Philippa Styles (KZN - Branch Chairperson); Dr Thabiso Rapapali; (Free State –Branch Chairperson); Ms Romany Sutherland (Western Cape - Branch Chairperson); Ms Carina Van de Wall (Gauteng - Branch Chairperson); Dr Hans Enslin (RAF Director); Adv Johanna Barnardt; Ms Desiree David; Ms Barbara Donaldson; Mr Rowan Haarhoff (Business Development Director); Ms Grace Hughes Adv Jimmy Kyriacou; Dr Willem Moore (Legal and Ethics Director);

Prof Ramdungoane Tabane; Dr & Adv Anton Van den Bout

Non-Executive President: Judge CJ “Neels” Claassen



Mr Johan Jordaan (National Treasurer)
Ms Philippa Styles (KZN - Branch Chairperson)
Dr Karen Levin (Communication Director)
Mr JP Venter (Administration Director)
Dr Stefan Jansen van Rensburg (Free State - Branch Chairperson) (Resigned)
Ms Romany Sutherland (Western Cape Chairperson)
Ms Carina Van de Wall, (Gauteng - Branch Chairperson)
Dr Hans Enslin (RAF Director)
Ms Desiree David (Director)
Ms Barbara Donaldson (Director)
Mr Rowan Haarhoff (Director)
Adv Jimmy Kyriacou (Director)
Adv Johanni Barnardt (Director)
Dr Willem Moore (Director)
Dr Sharon Munyaka (Director)
Dr Thabiso Rapapali (Newly appointed Free State - Branch Chairperson) (Director)
Prof Ramodungoane Tabane (Director)
Dr & Adv Anton Van den Bout (Director)
Ms Grace Hughes (Director)

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)
Mr Trevor Reynolds (National Deputy Chairperson - Health Sciences; Credentialing Committee)



Dr Herman Edeling (Faculty Course Leader)

Mr Johan Jordaan (National Treasurer)

Ms Philippa Styles (KZN - Branch Chairperson; Director)

Dr Karen Levin (Communication Director)

Mr JP Venter (Administration & Quality Assurance Director)

Dr Stefan Jansen van Rensburg (Free State - Branch Chairperson) (Resigned)

Ms Romany Sutherland (Western Cape Chairperson)

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

Mr Rowan Haarhoff (Business Development Director)

Dr Sharon Munyaka (Transformation Director)

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

4 HONORARY LIFE MEMBERSHIP

The SAMLA board unanimously awarded honorary life membership to Dr Herman Edeling. Dr Edeling is a man endowed with some of the finest traits. He has selflessly served SAMLA with the utmost devotion and loyalty. He is a trusted friend to many and one of the true fathers of the organization.

The SAMLA board unanimously approved to award Mr Trevor Reynolds with honorary life membership for his commitment and passion in serving SAMLA. Trevor is one of our esteemed leaders who will always be remembered for good governance and his unlimited devotion to SAMLA.

5 RESIGNATIONS

Dr Stefan Jansen van Rensburg (Free State - Branch Chairperson) (Resigned with immediate effect)

Mr Trevor Reynolds (National Deputy Chairperson - Health Sciences; Credentialing Committee) Resigned with effect after the AGM.

6 NEW APPOINTMENTS

6.1 Board vacancy: Dr Carlien Van Heerden



6.2 Chairperson for the Credentialing Committee: Ms Barbara Donaldson

6.3 Deputy Chairperson (Health): Dr Sharon Munyaka

7 BOARD MEETINGS

Five board meetings and one special board meeting were held since the last AGM in December 2019.

8 EXECUTIVE COMMITTEE MEETINGS

The senior leadership of SAMLA realized that we had an enormous task in complying with the Companies Act 71 of 2008. Dr Edeling proposed that we have weekly meetings to give us a “jump start” in 2020. Thus weekly meetings were introduced and this was later changed to by-weekly. A total of 15 EXCO meetings and three special EXCO meetings were held since the AGM 2019.

9 COMPLYING WITH THE COMPANIES ACT 71 OF 2008

SAMLA was registered as a non-profit company during 2019. Thus to ensure good governance and complying with Company Act, EXCO had to take a number of decisions to ensure good governance. Various activities were identified and consolidated into smaller committees. Thus a number of committees were introduced led by a director. I have highlighted some aspects from individual reports. The reports are available on the SAMLA website.

9.1 Marketing and Fundraising Committee later replaced with the Business Development Committee led by Mr Rowan Haarhoff.

At the last board meeting the marketing and fundraising committee was replaced by the “Business and Development Committee” under the leadership of Mr Rowan Haarhoff. A strategy has since been developed and was approved by EXCO. The strategy will be presented to a special board meeting next week for approval and implementation in 2021.

9.2 Transformation Committee led by Dr Sharon Munyaka

The committee has reported that they have relooked at the current transformation policy and is busy revising this policy to be aligned to legislation and societal norms.



9.3 Credentialing Committee led by Mr Trevor

The creation of the Register of Medico-Legal Practitioners was mandated by the Board of SAMLA. Entry into the register is by fulfilment of established criteria, including recognising prior learning (RPL). For this purpose the Credentialing Committee was established at the Board meeting of December 2019. In addition the Credentialing Committee was instructed to explore and formalise proposals for the establishment of further tiers of membership on the Register of Medico-Legal Practitioners. Through much deliberation the Credentialing Committee proposed further categories of registration on the Register of Medico-Legal Practitioners to the Board of SAMLA and was approved. The Medico-Legal practice pathway is:

Tier 1: Medico-Legal Practitioner

Tier 2: Advanced Medico-Legal Practitioner

Tier 3: Senior Medico-Legal Practitioner

To date the numbers linked to each tier are as follows:

Tier 1 Medico-Legal Practitioners: 47.

Tier 2: Advanced Medico-Legal Practitioners: 0

Tier 3: Senior Medico-Legal Practitioners: 0

However, the introduction of tiers gave rise to amend the MOI (Memorandum of Incorporation). Amendments will be deliberated and hopefully be approved today.

9.4 Mediation committee led by Dr Trevor Frankish

Dr Frankish reported that the Gauteng Health Department Medico-legal claims pilot project was in progress and that 25 pro bono cases have been, or are in the process of being mediated. By September 18 cases were completed.

Plans are also in progress to introduce mediation to the private sector. One of the major hospital groups has agreed to pilot mediation in resolving five of its medico-legal claims or complaints using the SAMLA methodology.

Gauteng Branch of the SA Medical Association has also decided to pilot some mediations for medical disputes brought to its attention either by its members or complaints to the office of the national SAMA Ombud.

9.5 RAF committee led by Dr Enslin

9.5.1 RABs Bill

Dr Enslin reported that the major achievement that was achieved this year was finally turning the RABs Bill (Road Accident Benefit Scheme) "on its back". The bill was published by the Department of Transport on 9 May 2014.

Initially in 2018 it was thought that the RABS Bill was put to sleep for good but this was revived in 2020. SAMLA acknowledges the key SAMLA members who



participated in the Portfolio Committee presentation namely Mr P de Bruyn, Mr G Nel and Mr M Mohlogoa for adding to the success of finally discarding the RABS bill.

9.5.2 RAF Mediation project.

Dr Edeling chaired the RAF pilot mediation project which has also shown much success. A milestone was achieved when a memorandum of understanding (MOU) was signed between RAF and SAMLA in respect of mediation of RAF personal injury claims-Pilot project. It was agreed that SAMLA will conduct 50 RAF cases pro bona.

9.6 Communication Committee led by Dr Karen Levin

Firstly, I would like to thank Christa Koelewyn our secretary who through her commitment and dedication to SAMLA, keeps the email communication channel open by responding to an average of 15 emails per day from our members. She works closely with Dr Levin who leads the communication committee.

Dr Levin has introduced many changes to improve communication with the broader membership and the public. A daunting challenge was to have the website renewed with the assistance of the website manager, ITNT to ensure a more user friendly website. This was successfully completed but it is envisaged that more changes are still required. In addition she introduced SAMLA's visibility on social media platforms specifically Facebook and LinkedIn.

In addition Dr Levin identified the need for our own zoom license and this was successfully bought through AZLYN. We are thus enabled to independently manage our own meetings.

Congratulations to Dr Karen Levin who produced our very first edition of our newsletter, the **Review**. The Review was emailed to individual members. We look forward to the next edition, however to make this an exciting publication we need your help by submitting articles, judgements of interest, adverts of seminars, workshops and any news of interest related to medico-legal practice.

9.7 Administration and quality assurance committee led by Mr JP Venter

Initially referred to only "Administration Committee" but was revised at the last board meeting to "Administration and quality assurance"

Mr Venter plays a key role in the administration and quality assurance of SAMLA. He works closely with the chairperson and director of communication to ensure that there is good governance in SAMLA. He is responsible for organizing meetings and agendas sent out on time and the overall management of the meetings. In addition Mr Venter ensures that SAMLA is in good standing with CIPC (Companies and Intellectual Properties Commission).



Furthermore he spearheaded the success of producing job descriptions for all directors chairing a committee and those who are in senior positions namely the chairperson and deputy chairpersons.

Most recently Mr Venter led the submission of an application to the South African Qualifications Authority (SAQA). This was no easy task but through his tenacity and commitment to submit the application before or on the deadline was achieved. SAMLA now awaits the outcome to know whether we will be the only professional association responsible for the education and continuous professional development of medico-legal practitioners.

9.8 The Faculty Committee led by Dr H Edeling.

Dr Edeling reported that major obstacles were encountered by the social distancing and other requirements of the National Coronavirus Lockdown during 2020. Consequently workshops had to be postponed, and technical solutions had to be found to change from the established method of presentation to fully outline presentation. With these delays and changes it was only possible to present four of the intended five workshops in 2020, namely:

- Pre-Trial Procedures – Case Flow Management.
- Expert Medico-Legal Report Writing.
- The Structure and Functioning of the Judicial System: Curatorship, Trusts and Case-Management Post-Trial.
- Expert Joint Minutes.

Workshop 10, The Trial, under the leadership of Adv John Mullins SC and Prof Jan Becker, and the crowning glory of this course and series of workshops, will be presented on Saturdays 11 and 18 September and 9 October 2021.

Furthermore during 2021 workshops and seminars will be offered nationally and provincially. These plans will be made known to the membership.

9.9 Provincial committees

The provincial committees were not able to conduct their workshops as done in the past due to their involvement in the SAMLA workshops and the foundations course.

Despite the difficulties of 2020 Ms Romany Sutherland chairperson of the Western Cape conducted two webinars which attracted international guest speakers from the UK and USA.



Dr Stefan Jansen van Rensburg (Free State - Branch Chairperson) resigned during the course of the year. Dr Thabiso Rapapali was then elected as the new chairperson on the 8th October 2020.

We look forward to vibrant provincial activities as from 2021. Much planning is currently being done. However we need members to participate with suggestions of specific workshops, seminars or short discussions of your choice. Any suggestions should be submitted to your provincial chairs.

9.10 New committees

The following additional committees were approved at the last board meeting in October:

- Research
- Legal and ethics
- Financial

A frame of reference for these committees will be done in 2021.

10 INTEREST GROUPS: QUANTIFICATION

The Quantification Interest Group was founded after a Board decision that SAMLA interest groups were allowed on condition that such groups are multidisciplinary to enable effective collaboration between professions dealing with the issue of quantification of claims. The Board Meeting, held on 23 May 2020, formally recognised the Quantification Interest Group. The goal of this group is to promote excellence in earnings quantification in the medico-legal field. The first chairperson appointed was Ms Charlene Labuschagne.

11 MEMORANDUM OF INCORPORATION (MOI)

Due to the SAQA criteria of introducing progression levels for the medico-legal practitioners entered into the register, EXCO embarked on amending the MOI to meet this condition. Two esteemed senior members of EXCO, Deputy Chairperson for Legal Prof Lerm and Deputy Chairperson for Health Mr Trevor Reynolds embarked on this enormous task in amending the MOI. The amendments were approved at EXCO level and later at the Board level. It has now reached the final stage and do hope that today the amendments are accepted.



12 CURRENT MEMBERSHIP

SAMLA Registered medico-legal practitioners: 47

SAMLA Registered Mediators: 88

Experts listed: 425

Total members: 519

13 CONCLUSION

The emphasis during 2020 was to create a non-profit company of good governance complying with the Companies Act 71 of 2008. Furthermore to endeavour to become the only professional association for medico-legal practitioners registered with SAQA. Thus our major achievements during 2020 included an intensive exercise of amending the MOI to meet the criteria as set by SAQA and to submit our application to SAQA for registration as a professional association for medico-legal practitioners.

We are faced with new challenges in 2021. A business strategy was developed which I hope will be approved by the SAMLA board on Tuesday which paves the new approach in meeting the needs of our membership. You will be kept informed.

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.

Prof Ethelwynn L Stellenberg

National Chairperson

Date Adopted: 5 December 2020