



The South African Medico-Legal Association

COMMUNIQUE TO SAMLA MEMBERS REGARDING SAIME

15 September 2022

Dear Esteemed Members

This communique is in response to the many questions and uncertainty, leading to misunderstanding among some of our SAMLA members, arising from flyers and information sent out by the South African Institute of Medico-Legal Experts (SAIME).

SAIME is a non-profit organization registered with the South African Qualifications Authority (SAQA) granting them professional status to register medico-legal practitioners.

However, SAMLA members must take cognizance of the following issues about SAIME:

- 1 SAIME is not a statutory body that functions according to a specific Act (legislation) amplified by regulations that provide statutory status for medico-legal practitioners. Statutory bodies such as the Nursing Council, Health Professions Council of SA, Pharmacy Council are governed by

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specific Acts such as Nursing Act for nursing, Pharmacy Act for pharmacists, Health Professions Act for medical doctors / specialists and allied professions.

- 2 SAIME is thus not a statutory regulating body and unlikely to be in the future. It is an NPO with no legislative authority to regulate medico-legal experts. They may not coerce medico-legal practitioners to register with them under false pretences. It will remain the choice of an individual if he / she to do so in terms of the constitutional right of freedom of choice.
- 3 Institutions like the HPCSA has no authority to regulate medico – legal practitioners nor accordingly transfer any legal power to SAIME to regulate medico-legal practitioners. The HPCSA only has statutory powers in terms of the Health Professions Act 56 of 1974 to regulate the training and registration of medical doctors and the allied health professions except nursing and pharmacy.
- 4 The Memorandum of Understanding (MOU) which SAMIE has with the HPCSA is a means to formalize a working relationship between them. Part of their relationship is for SAIME to provide the HPCSA with medico-legal expert(s) when such a need exists in the HPCSA. The effect of such a relationship between them does however, not mean that the HPCSA can, by virtue of their relationship, prescribe who should be used as an expert in court or not. An expert witness who may also be a medico – legal practitioner is an expert by virtue of their scientific knowledge and



experience, who is also independent and whose illegibility to act as such, is not dependent on the organization they belong to. Although organizations have the freedom to enter into MOU relationships, that notwithstanding we however hold the view that the HPCSA's relationship with SAIME under these circumstances is tainted with a degree of impropriety. What is more, the situation may also be interpreted as bias towards a non-profit organization. SAMLA undertake to write to the HPCSA. and express our disquiet at the current relationship with SAIME.

- 5 Until such time as a Statutory Body is put in place that may regulate the practice of medico-legal practitioners in South Africa, the choice of choosing an expert in any health profession required to provide evidence in a court of law, remains with the law firm seeking such assistance.
- 6 SAIME is not a training provider of medico-legal practitioners. This is evidenced because they informed SAQA as part of their application for registration with SAQA, that they had a relationship with SAMLA regarding training of medico-legal practitioners. It was a deliberate lie and SAMLA objected to this relationship with SAIME. But that notwithstanding, SAQA approved SAIME's application. Subsequent to their approved application, SAIME approached SAMLA to assist them with their training. In response, SAMLA declined the invitation. SAIME has more recently again approached SAMLA to provide their training. SAIME was again informed that SAMLA was not ready as yet, for such a relationship.



- 7 SAIME has since confirmed in an advert that after obtaining training with the “College of Medico-Legal Science”, an American training institution, that successful candidates would be able to register with them. Please note, this is an American college not registered with SAQA. Their training is based on the American legal system and at high costs (fees only in US\$), which do not empower you in the South African environment. We believe this is a profit-making company who enriches themselves at the expense of our fellow South Africans in medico-legal practice. Some examples of such courses are writing a report at a cost of US\$ 700, cerebral palsy at a cost of US\$ 700, American Medical Association (AMA) Guides (6th Edition) at a cost of US\$1190.00. Many of us have at some time or other, registered for a course with this college and we have gained little value from the course. I personally completed a course with them and all I remember is how to make money as a medico-legal expert. And payments are in US\$ with monies leaving the country.
- 8 In South Africa, all health professional training is offered on a higher education level (NQF level 8) and healthcare professionals register to practice in their specific professions, through a statutory body. They become experts in their professions through the regulated training of statutory bodies who also accredit universities and colleges to provide training in a specific healthcare field. It is **your professional expertise** that the courts require not what SAIME proposes to do.



- 9 We therefore call on our members to continue to embrace our Mission statement, namely, to advance the inter-relationship between medicine and law, to promote excellence in medico-legal practice by attending our own training courses which serve your needs.

In conclusion SAMLA members need not feel threatened by the misleading information sent out by SAIME. For any questions or clarity do not hesitate to send your emails to SAMLA info@samla.org.za

Kind regards

Prof Ethelwynn L Stellenberg

National Chairperson