

# Health Law Alert

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## Weekly Health Law Alert: 22 February 2023

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**Persons and  
Family Law**  
Infopack 2022  


### 2022 Infopack on Persons and Family Law

A handy research tool providing an overview of legal information on persons and family law published during 2022.

View [here](#).



## Highlights

### CONSTITUTIONAL LAW: RIGHT TO HEALTHCARE

#### Journal Article

- Mahomed, Safia; Labuschaigne, Melodie and Slabbert, Magda. Justice in the provision of healthcare services – A stifled right in the private sector. – [2022 15\(3\) South African Journal of Bioethics and Law p92](#)

### INTERNATIONAL HEALTH REGULATIONS

- Bell, David. The proposed amendments to WHO's international health regulations, and their implications for individual and national sovereignty. – [2023 Feb 16 PANDATA](#)

### MEDICAL ETHICS

- Medeiros, Michelle. Research in the USA on COVID-19's long-term effects: Measures needed to ensure black, indigenous and Latinx communities are not left behind. – [2022 49\(2\) Feb Journal of Medical Ethics p87](#)
- Murdoch, Blake. Reconsenting paediatric research participants for use of identifying data. – [2022 49\(2\) Feb Journal of Medical Ethics p106](#)
- Parker, Joshua. Barriers to green inhaler prescribing: Ethical issues in environmentally sustainable clinical practice. – [2022 49\(2\) Feb Journal of Medical Ethics p92](#)

### MEDICAL NEGLIGENCE

#### Case

- [TN obo BN v Member of Executive Council for Health, Eastern Cape \(36/2017\) \[2023\] ZAECBHC 3 \(7 February 2023\)](#)

### SEXUAL CONDUCT AND ABUSE CASES

#### New Publication

- Naidoo, Steve R. [et al.] Interpreting medical findings in sexual contact and abuse: a reference handbook for legal and health practitioners. – Juta, 2023.

## ABORTION

#### Media Comment

### Tsotetsi, Palesa. Far East Rand Hospital launches Termination of Pregnancy Clinic.

2023 Feb 19 Brakpan Herald

“Far East Rand Hospital (FERH) launched its Termination of Pregnancy (TOP) Clinic on Thursday. The launch was attended by officials from the Ekurhuleni Health District and hospital staff. In his remarks to the guests, deputy director of Ekurhuleni health district Zanoxolo Futshane stated that the launch was appropriate as February is the month of reproductive health and that the day marked a day of achievement for the hospital... It aims to reduce the number of deaths caused by giving birth and illegal abortions. Services at the clinic are available to all women who want to terminate their pregnancy during the first trimester (12 weeks).”

<https://brakpanherald.co.za/?p=278674>

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## CANNABIS

#### Media Comment

### Swart, Murray. Is legal cannabis available in Cape Town?

2023 Feb 19 Cape Town Etc.

“Both medicinal and recreational cannabis are in high demand and growing acceptance has resulted in improved access to the plant and its products. However, despite an eased approach to cannabis in recent years, a “legal grey area” continues to cause widespread confusion in a largely unregulated industry... One Culture is a community-based private social and recreational club model and social media platform that uses rudimentary blockchain to track and trace cannabis grown on private property “within the confines of the law,” with Nature’s Pharmacy lounges in Hermanus and Stellenbosch.”



<https://www.capetownetc.com/cape-town/is-legal-cannabis-available-in-cape-town/>

*Opinion*

**Maposa, Siseko. Sona confirms government lacks the decisiveness to develop SA's cannabis economy.**

2023 Feb 21 Business Times

"President Cyril Ramaphosa's state of the nation address (Sona) confirmed mounting industry fear that the government's efforts to develop the cannabis economy are simply smoke and mirrors. The address was thin on policy insights and an outstanding departure from the grandiose promises delivered in Sona 2022, which sent waves of euphoria through the industry. In last year's Sona, Ramaphosa pronounced that government would fast-track the growth and processing of the plant to make it a major job-creating sector."

<https://www.businesslive.co.za/bd/opinion/2023-02-21-siseko-maposa-sona-confirms-government-lacks-the-decisiveness-to-develop-sas-cannabis-economy/>

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## CORRECTIONAL SERVICES

*Media Comment*

**Artz, Lillian. Women in prison deserve better treatment.**

2023 Feb 16 Health-e News

"The little information we have about women in South African prisons speaks of intolerable overcrowding, unhygienic sleeping conditions, and minimal health and mental health care services, including 'medical neglect'. This comes in addition to pervasive issues with deteriorating infrastructure. And the impact of imprisoning women on the back of the already dire socio-economic conditions of the families that women support and leave behind when imprisoned."

<https://health-e.org.za/2023/02/16/women-in-prison-deserve-better-treatment/>

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## COVID-19

### Contact Tracing Data

*Media Comment*

**Kahn, Tamar. Department of health on the carpet over citizens' Covid-19 data.**

2023 Feb 20 Business Live

"SA's information regulator has referred the department of health to its enforcement committee over its failure to report on how it has dealt with the data it collected for contact tracing during the coronavirus pandemic. Referral to the enforcement committee can culminate in an enforcement notice, which has the same effect as a court order..."

<https://www.businesslive.co.za/bd/national/health/2023-02-20-department-of-health-on-the-carpet-over-citizens-covid-19-data/>

(Subscription Needed)

### Covid Self-Test Kit

*Media Comment*

**Ellis, Estelle. South Africans can finally test for Covid-19 at home with a self-test kit.**

2023 Feb 21 Daily Maverick

"Late last year the South African Health Products Regulatory Authority (Sahpra) approved antigen tests that can be used at home. Sahpra has approved seven Covid-19 antigen self-test kits for self-test or at-home tests. The approved tests are from Humor Diagnostica (Pty) Ltd, IDT Diagnostics t/a ICT International, Mnandi Pharma Solutions (Pty) Ltd, Rapid Testing Solutions SA (Pty) Ltd, TipTop Trade (Pty) Ltd, Rapid Testing Solutions SA (Pty) Ltd and Pro Med Diagnostics (Pty) Ltd."

<https://www.dailymaverick.co.za/article/2023-02-21-south-africans-can-finally-test-for-covid-19-at-home-with-a-self-test-kit/>

### Data



*Media Comment*

**Moyo, Admire. Health dept at odds with InfoReg over COVID data.**

2023 Feb 21 IT-Web

“The Information Regulator has referred the National Department of Health (NDoH) to the Enforcement Committee over the issue of certain personal information the department collected as part of the management of the spread of COVID-19. In a statement, the information watchdog says this decision follows numerous unsuccessful requests for information to the NDoH made by the regulator. According to the authority, referral to the Enforcement Committee can culminate in an enforcement notice, which has the same effect as a court order.”

<https://www.itweb.co.za/content/mYZRXM9qmbvOgA8>

**Misinformation**

*Media Comments*

**Jelinger, Megan. 'Watched my father die': Tech firms face ire over legal shield.**

2023 Feb 18 eNCA

“Poring over family photographs, Jessica Watt Dougherty voices anguish over her father's death -- which she attributes to misinformation on an online platform, an issue at the heart of a knotty US debate over tech regulation... Her father, 64-year-old Randy Watt, refused to get vaccinated and died alone in a hospital last year after struggling with COVID-19. After his death, his family discovered that he had a secret virtual life on Gab, a far-right platform that observers call a petri dish of misinformation and conspiracy theories. To his vaccinated family members, his Gab activities explained why he chose not to get inoculated against COVID-19, a decision that ultimately had fatal consequences.”

<https://www.enca.com/news/watched-my-father-die-tech-firms-face-ire-over-legal-shield>

**Tangalakis-Lippert, Katherine. Celebrity endorsement makes people more likely to believe conspiracy theories, like Covid misinformation.**

2023 Feb 20 Business Insider US

“Celebrities from Richard Belzer to Mark Ruffalo are known for endorsing conspiracy theories. Influencers originate a small percentage of new misinformation but have a big impact on its spread. Popular accounts may be seen as more trustworthy by fans, which may influence how followers behave.”

<https://www.businessinsider.co.za/celebrity-endorsement-more-likely-to-believe-in-conspiracy-theories-2023-2>

**PPE Tender**

*Media Comment*

**Schrieber, Sinesipho. KZN education finance manager keeps job despite suspended PPE jail sentence.**

2023 Feb 15 Times Live

“A recently sentenced finance manager who failed to disclose links he had with a company that received a R1.2m Covid-19 personal protective equipment (PPE) tender with the department of education (DoE) in KwaZulu-Natal has kept his job while the department conducts its own disciplinary process. Last week the Durban Specialised Commercial Crime Court sentenced Lungelo Stewart Mhlongo to two years' imprisonment, suspended for five years on condition he is not found guilty of the same offence during the period of suspension.”

<https://www.timeslive.co.za/news/south-africa/2023-02-15-kzn-education-finance-manager-keeps-job-despite-suspended-ppe-jail-sentence/>

**Work Deficits**

*Media Statement*

**Department of Employment and Labour. Employment and Labour on COVID-19 pandemic highlighting huge decent work deficits in South Africa. 20 February 2023.**

“The Director-General said during the height of Covid-19 the Department had made three observations and these should teach the country a lesson or two going forward! He said, first there was a huge decent work deficit. Lamati said the second lesson was how backward the public sector was in implementing the occupational health and safety (OHS) Act. He said these deficits in implementation were evident in the inspectors' reports. “As much as we are chasing the private sector, as the public sector, we were found wanting and the gap between us and the private sector is huge. The argument that we often advance is that we do not have money to promote OHS,” he said.”

<https://www.gov.za/speeches/employment-and-labour-covid-19-pandemic-highlighting-huge-decent-work-deficits-south-africa>



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## CONSTITUTIONAL LAW: RIGHT TO HEALTHCARE

*Journal Article*

### **Mahomed, Safia; Labuschaigne, Melodie and Slabbert, Magda. Justice in the provision of healthcare services – A stifled right in the private sector.**

2022 15(3) South African Journal of Bioethics and Law p92

“The restrictions that exist within the private sector have a direct bearing on the types of healthcare services patients can access, which in turn impacts on the fundamental right to access healthcare. Using a recent High Court case [[MD and Another v Medihelp Medical Scheme and Another \(2022-010668\) \[2022\] ZAGPPHC 640 \(26 August 2022\)](#)] decision, this article seeks to explore whether there is justice in the provision of healthcare services, specifically within the private sector in South Africa.”

<https://samajournals.co.za/index.php/sajbl/article/view/371/360>

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## CUSTOMS AND EXCISE

*Government Gazette*

### **Customs and Excise Act 91 of 1964**

Amendment to Part 1 of Schedule No. 1, by the insertion of various 8-digit tariff subheadings in Chapter 30, for vaccines used in the Expanded Programme on Immunisation for both national and provincial Departments of Health.

RGN3061 GG 48067 p142 17Feb2023

<https://bit.ly/40ZhX5H>

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## EMPLOYMENT

*Media Comments*

### **Mahlaka, Ray. Government proposes below consumer inflation pay rise for public servants.**

2023 Feb 19 Daily Maverick

“The government has proposed an average 4.7% increase in the pay of public servants for the 2023/24 fiscal year, followed by adjustments in 2024/25 and 2025/26 that are linked to the expected consumer inflation rate. But trade unions representing public servants are already planning to embark on a strike over pay talks for 2022...As many as nine trade unions were previously part of the PSCBC pay discussions including the National Education, Health and Allied Workers' Union (Nehawu), Public Servants Association of South Africa (PSA), the South African Democratic Teachers Union (Sadtu), the SA Policing Union (Sapu), the Police and Prisons Civil Rights Union (Popcru), the Democratic Nursing Organisation of SA (Denosa), the National Union of Public Service and Allied Workers Union (Nupsaw), the SA Medical Association Trade Union (Samatu) and the SA Emergency Personnel's Union (Saepu).”

<https://www.dailymaverick.co.za/article/2023-02-19-government-proposes-below-consumer-inflation-pay-rise-for-public-servants/>

### **Spain backs law creating Europe's first 'menstrual leave'.**

2023 Feb 16 East Coast Radio

“Spanish lawmakers on Thursday gave final approval to a law granting paid medical leave to women suffering severe period pain, becoming the first European country to advance such legislation.”

<https://www.ecr.co.za/news/news/spain-backs-law-creating-europes-first-menstrual-leave/>

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## FAMILY PLANNING

*Media Comment*



**Naik, Sameer. SA's Minister of Menstruation demands that government finally prioritise menstrual health.**

2023 Feb 18 IOL News

“Approximately seven million South African girls do not have access to period products whilst an estimated 30% of school girls cannot go to school due to their period. “If girls are not in school, they are most likely going to experience a set of devastating circumstances such as teenage pregnancy and child marriage... Her role as involves advocating for menstrual health and working to reduce the stigma, shame and misinformation surrounding menstruation.

“Creating this online platform has created a safe space for many girls and non-menstruators to learn about it, but also to promote menstrual education and awareness.”

<https://www.iol.co.za/saturday-star/news/sas-minister-of-menstruation-demands-that-government-finally-prioritise-menstrual-health-4c60fbd6-4374-4585-86c4-3ae6e13ec34a>

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## FOOD LAW

### *Internet Article*

**Mtintsilana, Asanda. Hunger in South Africa: study shows one in five are at risk.**

2023 Feb 15 The Conversation

“We conducted our [study](#) in October 2021 with 3,402 individuals we recruited across the nine provinces of the country... There's also a lack of collaboration from different stakeholders in the food system. For example, policymakers often view food insecurity as a rural issue. So, a majority of initiatives to address the problem focus on solutions related to food production. Yet, urban areas are also vulnerable to food insecurity as they depend more on the cash economy than rural areas. In view of our findings, government and other stakeholders need to implement creative and targeted social strategies to reduce and eliminate food insecurity in highly vulnerable groups.”

<https://theconversation.com/hunger-in-south-africa-study-shows-one-in-five-are-at-risk-199133>

### *Journal Articles*

**Abdool Karim, Safura; Kruger, Petronell and Hofman, Karen. Some legal issues around the adoption of simplified nutrition labelling in South Africa: An analysis of Draft Regulation R429.**

2022 23(4) ESR Review p21

“In this article, we consider the role of South Africa's constitutional and regulatory frameworks in the adoption of simplified nutrition labelling. Specifically, we assess the opportunities for and barriers to this as they stand in the existing legal system. We begin by outlining the relationship between human rights and diet-related-NCDs [non-communicable diseases] under international human rights law and the South African Constitution (1996). We then look at the regulatory and legislative framework related to labelling and consider whether South Africa's draft FOPL regulations satisfy the mandate to implement FOPL under the right to health.”

<https://dullahomarinstitute.org.za/socio-economic-rights/esr-review-archives/archives/esr-review-4-of-2022-vol-23-special-issue-on-ncds/some-legal-issues-around-the-adoption-of-simplified-nutrition-labelling-in-south-africa-an-analysis-of-draft-regulation-r429.pdf>

**Knipe, Paula; Omoruyi, Aisosa Jennifer and Durojaye, Ebenezer. The National Strategic Plan for the Prevention and Control of NCDs 2022–2027: Assessing policy priorities to address unhealthy diets.**

2022 23(4) ESR Review p29

“In this article we assess the objectives of the NSP 2022–2027 in terms of addressing unhealthy diets in comparison with clinical prevention. A comparison is also made with the NSP 2013–2017 in terms of targets aimed at regulating the food environment in a bid to highlight shortcoming in the policy priorities of the new NSP. In doing so, we compare the targets and strategies of both NSPs with the aim of assessing the extent to which progress made under the preceding NSP influences the new NSP.”

<https://dullahomarinstitute.org.za/socio-economic-rights/esr-review-archives/archives/esr-review-4-of-2022-vol-23-special-issue-on-ncds/the-national-strategic-plan-for-the-prevention-and-control-of-ncds-202220132027-assessing-policy-priorities-to-address-unhealthy-diets.pdf>

### *Media Comments*

**Crouth, Georgina. SA bottled water association fires back over claims of ‘toxic’ mineral water.**

2023 Feb 19 Daily Maverick

“SA water producers say researchers from Sefako Makgatho Health Sciences University misunderstood and misinterpreted the results of their own study. Mineral water producers are up in arms over a report claiming that tests had found bottled water to be potentially toxic and loaded with heavy metals, firing back with their own research.



The latest report, published in [Food Review](#), is in response to [results published](#) by the Sefako Makgatho Health Sciences University in Pretoria towards the end of 2022.”

<https://www.dailymaverick.co.za/article/2023-02-19-sa-bottled-water-association-fires-back-over-claims-of-toxic-mineral-water/>

**Knowler, Wendy. Child's health worsens, parents' finances dwindle as Tiger Brands listeriosis case drags on.**  
2023 Feb 16 Times Live

“She had a very rough start, having contracted listeriosis in her mother's womb in 2017, but in recent years, “Baby T” appeared to have triumphed and was thriving at preschool. Until a recent, devastating setback...”

<https://www.timeslive.co.za/sunday-times-daily/news/2023-02-16-childs-health-worsens-parents-finances-dwindle-as-tiger-brands-listeriosis-case-drag-on/> (Subscription Needed)

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## HEALTH PROFESSIONALS

### Media Comments

**Cebo, Khayisa and Nel, Brandon. Cape doctor faces fresh charges of misconduct.**

2023 Feb 19 IOL News

“Alleged serial offending Cape Town obstetrician and gynaecologist Dr Ganes Anil Ramdhin, who continues to practise medicine because of administrative bungles, has been slapped with fresh charges. This comes as a patient levelled a complaint against Ramdhin who practices in Khayelitsha. Anele Gcwabe, claims she was overcharged by the doctor who she didn't even know was a gynaecologist when she sought help for a skin condition on her face.”

<https://www.iol.co.za/weekend-argus/news/cape-doctor-faces-fresh-charges-of-misconduct-975c3db3-a022-4f67-9943-a82dc57f83aa>

**Masilela, Brenda. Court convicts fake doctor who worked as psychiatrist for 20 years, raking in over R28m.**

2023 Feb 19 IOL News

“A bogus doctor who worked as a psychiatrist for 20 years in hospitals across England, Wales and Scotland and received almost £1.3million (over R28m) during her career, has been convicted of fraud. The Manchester Crown Court heard that Zholia Alemi, 60, forged a medical degree certificate and practised without the necessary qualifications.”

<https://www.iol.co.za/news/world/court-convicts-fake-doctor-who-worked-as-psychiatrist-for-20-years-raking-in-over-r28m-c1be2da1-1478-450b-9327-b6f2719329e7>

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## HEALTH SERVICES

### Media Comments

**Bhengu, Cebelihle. Why the EFF wants Limpopo's Health MEC to recuse herself from Thursday's SOPA.**

2023 Feb 21 News24

“The EFF in Limpopo wants Health MEC Phophi Ramathuba to recuse herself from the State of the Province Address (SOPA) later this week. The party says Ramathuba enabled xenophobic groups when she told a woman that migrants from Zimbabwe put a “huge strain” on the provincial healthcare system.”

<https://www.news24.com/news24/southafrica/news/why-the-eff-wants-limpopos-health-mec-to-recuse-herself-from-thursdays-sopa-20230221>

See also:

- **Pongweni, Takudzwa. Health Professions Council of SA sanctions Limpopo MEC Phophi Ramathuba over xenophobic diatribe.** - 2023 Feb 15 Daily Maverick.

“In August 2022, a video of Limpopo Health MEC Phophi Ramathuba's dehumanising rant to a Zimbabwean patient went viral. The Health Professions Council of South Africa has now taken action against her.”

<https://www.dailymaverick.co.za/article/2023-02-15-health-professions-council-of-sa-sanctions-limpopo-mec-phophi-ramathuba-over-xenophobic-diatribes/>

**Botha, Claire. South Africa's health infrastructure headed down the same road as Eskom's power plants.**

2023 Feb 20 Daily Maverick

“The reported underinvestment in health facility maintenance and infrastructure development may deliver the fatal blow that will see health services in South Africa suffering the same fate as the nation's power utility.”

<https://www.dailymaverick.co.za/article/2023-02-20-south-africas-health-infrastructure-headed-down-the-same-road-as-eskoms-power-plants/>

**Daniels, Nicola. Hospitals still hit by load shedding despite pleas.**



2023 Feb 22 IOL News

<https://www.iol.co.za/capetimes/news/hospitals-still-hit-by-load-shedding-despite-pleas-caf1f843-2573-4c81-9895-b880ead7242d>

### **Dentlinger, Lindsay. After SONA debate, Parly focus shifts to budget speech.**

2023 Feb 20 EWN

“On Monday, the Democratic Alliance (DA) is expected to present its budget proposals and expectations. On Tuesday, Parliament is finally expected to provide an update on the reconstruction of the legislature's fire-gutted buildings, a year since it came under arson attack. Health Minister Joe Phaahla is also expected to address the National Council of Provinces on how he plans to mitigate the impact of load shedding on health facilities.”

<https://ewn.co.za/2023/02/20/after-sona-debate-parly-focus-shifts-to-budget-speech>

### **Mukwevho, Ndivhuwo. Civil society and political parties share budget hopes.**

2023 Feb 22 Health-e News

“As Finance Minister Enoch Godongwana prepares to table his budget speech this afternoon, *Health-e News* reached out to civil organisations and political parties for their input on what should be prioritised. They highlighted a range of pressing issues, including the power crisis, social grants, a crumbling public **health** sector, inadequate school infrastructure, the rising cost of living, high rates of crime and corruption, and persistent unemployment.”

<https://health-e.org.za/2023/02/22/civil-society-and-political-parties-share-budget-hopes/>

### **Nogwavu, Lelethu and Nyathi, Cresencia. Healthcare without borders — the importance of eradicating medical Afrophobia.**

2023 Feb 16 Daily Maverick

“About **two million immigrants** live in South Africa, many of whom have difficulty accessing public services like healthcare. Medical Afrophobia in the context of South Africa refers to the fear or hatred of people from other African countries who seek medical treatment or services in South Africa.”

<https://www.dailymaverick.co.za/opinionista/2023-02-16-healthcare-without-borders-the-importance-of-eradicating-medical-afrophobia/>

*Media Statement*

### **Western Cape Office of the Premier. Western Cape Government on State of the Province Address. 16 February 2023.**

“We are continuously expanding health services to meet the needs of a growing population:

- The Gansbaai Clinic has been upgraded;
- A new day clinic was built in Laingsburg;
- The new Observatory Forensic Pathology Institute is nearing completion;
- Phase 1 of a new Emergency Centre at Victoria Hospital has been completed;
- New acute psychiatric wards have been completed in Hermanus and Bredasdorp; and
- The new casualty centre at the Red Cross War Memorial Children's hospital would not be possible without the work of their powerful fundraising team.”

<https://www.gov.za/speeches/western-cape-government-state-province-address-16-feb-2023-0000>

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## HIV / AIDS

*Media Comment*

### **Spector, Brookes J. HIV/Aids initiative that was ‘an astonishing act of vision’ is all grown up, but still faces compelling challenges.**

2023 Feb 16 Daily Maverick

<https://www.dailymaverick.co.za/article/2023-02-16-hiv-aids-initiative-that-was-an-astonishing-act-of-vision-is-all-grown-up-but-still-faces-compelling-challenges/>

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## HUMAN TISSUE

*Media Comments*

### **Chinese scientist jailed over gene editing granted Hong Kong visa.**





2023 Feb 22 The Citizen

“A Chinese biophysicist who was jailed for creating the world’s first gene-edited babies said on Tuesday he was seeking collaborators after Hong Kong granted him a research visa, to the consternation of the scientific community. He Jiankui was handed a prison term in 2019 for illegally experimenting on human embryos in a controversial exercise that saw twin girls born with genes he had altered to confer immunity to HIV.”

<https://www.citizen.co.za/news/news-world/chinese-scientist-jailed-gene-editing-hong-kong-visa/>

### Two men convicted after asking nurse for placenta of newborn baby.

2023 Feb 19 Malawi24

“Mangochi First Grade Magistrate Court on Thursday convicted Richard Lameck, 22, and Friday James, 23, after they approached a nurse at Malombe Health Center to sell them a placenta and membranes of a newborn baby.

Mangochi Police Station Prosecution Officer, Sub Inspector Ted Namaona, told the court that the offence “conduct likely to cause breach of peace” which Lameck and James committed was contrary to Section 181 of the Penal Code.”

<https://malawi24.com/2023/02/19/two-men-convicted-after-asking-nurse-for-placenta-of-newborn-baby/>

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## INFORMATION TECHNOLOGY

*Media Comment*

### Bharade, Aditi. ChatGPT failed miserably in Singapore's 6th-grade exams. Days later, it had learned from its mistakes.

2023 Feb 21 Business Insider US

“During an experiment in February, ChatGPT was asked by the Singaporean news outlet [The Straits Times](#) to answer questions from the [Primary School Leaving Exam](#). The PSLE is an exam that all 12-year-olds in Singapore must take, and determines which secondary school they go to... ChatGPT was developed by the artificial intelligence company OpenAI and launched in November. It had [100 million users](#) by the end of January. The bot’s inability to pass Singapore’s sixth-grade exams is surprising — it managed to pass [a final exam](#) at the Wharton business school, passed [tests in four law school courses](#), and comfortably cleared a [US medical licensing exam](#).”

<https://www.businessinsider.co.za/chatgpt-failed-singapore-sixth-grade-exams-psle-2023-2>

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## INTERNATIONAL HEALTH REGULATIONS (IHR)

*Media Comment*

### Bell, David. The proposed amendments to WHO’s international health regulations, and their implications for individual and national sovereignty.

2023 Feb 16 PANDATA

“WHO is currently working on [two agreements](#) that will expand its powers and role in declared health emergencies and pandemics. These also involve widening the definition of ‘health emergencies’ within which such powers may be used. The first agreement involves proposed amendments to the existing IHR, an instrument with force under international law that has been in existence in some form for decades and was significantly amended in 2005 after the 2003 SARS outbreak. The second is a new ‘treaty’ that has similar intent to the IHR amendments. Both are following a path through WHO committees, public hearings and revision meetings, to be put to the [World Health Assembly](#) (WHA) – the annual meeting of all country members or ‘States Parties’ of WHO – probably in 2023 and 2024 respectively.”

[https://www.pandata.org/proposed-amendments-whos-ihr/](https://www.pandata.org/proposed-amendments-whos-ih/)

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## LIFE ESIDIMENI

*Media Comment*

### Life Esidimeni: Gauteng Health Dept pays out millions – but still no arrests.

2023 Feb 20 EWN



“Despite no charges being laid for the deaths of more than 144 Life Esidimeni patients between 2015 and 2016, financial compensation has started to trickle in. The Democratic Alliance’s (DA) Gauteng health spokesperson, Jack Bloom, said that the provincial legislature’s health committee revealed last Friday that government had paid R405 million to victims of the tragedy.”

<https://ewn.co.za/2023/02/20/life-esidimeni-gauteng-health-dept-pays-out-millions-but-still-no-arrests>

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## MEDICAL AID / INSURANCE

### 12-Month Condition-Specific Waiting Period

*Media Comment*

**Luckhoff, Paula. A newborn automatically gets onto your medical scheme, IF you do things right.**

2023 Feb 21 Cape Talk News

“Knowler relates the tale of a Cape Town father who did make a mistake when registering his third child with Discovery Health Medical Scheme. That administrative error, along with his disclosure that the baby had slight breathing difficulties at birth, triggered an underwriting process. The result was that the Scheme imposed a 3-month general waiting period from date of acceptance and a 12-month condition-specific waiting period on respiratory conditions.”

<https://www.capetalk.co.za/articles/467491/a-newborn-automatically-gets-onto-your-medical-scheme-if-you-do-things-right>

### Agency and Representation

*Case – Law Reports*

**Keyhealth Medical Scheme v Glopip (Pty) Ltd 2023 (1) SA 388 (SCA)**

**Juta Law Reports Advance Notification summary:** Agency and representation – Mandate – Distinction between mandate and power to perform juristic acts.

Judgment: <http://www.saflii.org/za/cases/ZASCA/2022/147.pdf>. South African Law Reports available from [Juta](#)

### China’s Health Insurance Reforms

*Media Comment*

**Mosepele, Keamogetswe. Pensioners in Wuhan, China protest: 'Down with the reactionary government!'**

2023 Feb 17 702 News

“Retirees are protesting state health insurance reforms demanding better social care from President Xi Jinping. Bongani Bingwa interviews international correspondent Adam Gilchrist... Hundreds of Chinese pensioners took to the streets of Wuhan on Wednesday to protest against state health insurance reforms. They are challenging the measures that were introduced when the cash-strapped government sought to tighten spending in the aftermath of China’s costly zero-Covid policy. The elderly protesters want monthly claims for medicine to be reduced by one-third.”

<https://www.702.co.za/articles/467121/pensioners-in-wuhan-china-protest-down-with-the-reactionary-government>

### Digital Vibes

*Media Comment*

**Mitchley, Alex. The writing's on the wall: Signatures in the spotlight in Digital Vibes bribery trial.**

2023 Feb 21 News24

<https://www.news24.com/news24/southafrica/news/the-writings-on-the-wall-signatures-in-the-spotlight-in-digital-vibes-bribery-trial-20230221>

(Subscription Needed)

### National Health Insurance (NHI)

*Media Comments*

**Brandt, Kevin. Govt intensifying efforts to implement NHI, says Ramaphosa.**

2023 Feb 17 EWN



<https://ewn.co.za/2023/02/17/govt-intensifying-efforts-to-implement-nhi-says-ramaphosa>

**Richter, Marelise [et.al]. NHI Bill must still clear many hurdles to ensure adequate medicine access.**

2023 Feb 17 Daily Maverick

“The Health Department’s recent response to submissions and its own recommendations on amendments to the National Health Insurance Bill sadly does not realise the gravity of the threat to the future of medicine selection and access. As the Bill currently stands, it will leave us at the mercy of advisory committees that bear no duty to be transparent in deciding which medicines people will be able to access under NHI, the authors argue.”

<https://www.dailymaverick.co.za/article/2023-02-17-nhi-bill-must-still-clear-many-hurdles-to-ensure-adequate-medicine-access/>

**The one big thing Ramaphosa left out of SONA finally gets a mention.**

2023 Feb 17 Business Tech

“Anyone who was playing SONA Bingo during Cyril Ramaphosa’s 2023 State of the Nation Address would have noticed a glaring omission in the president’s summary of disasters hitting the nation. Amid an ongoing power crisis – which necessitated the declaration of a state of disaster – rising levels of crime and poverty, and another swing at corruption and state capture, there was no mention of the state’s other big plan: the National Health Insurance (NHI) scheme.

The omission was highlighted by the Democratic Alliance this week, who said that it was an indication that the president found its implementation “implausible” and unimportant, so it didn’t warrant a mention.”

<https://businesstech.co.za/news/government/665619/the-one-big-thing-ramaphosa-left-out-of-sona-finally-gets-a-mention/>

**Registered Schemes**

*Government Gazette*

**Medical Schemes Act 131 of 1998**

Council for Medical Schemes. List of registred schemes.

GN1611 GG 48062 p113 17Feb2023

[https://www.gov.za/sites/default/files/gcis\\_document/202302/48062gen1612.pdf](https://www.gov.za/sites/default/files/gcis_document/202302/48062gen1612.pdf)

**Road Accident Fund**

*Media Comment*

**Makhafola, Getrude. RAF bosses get another whipping in court, ordered to explain medical bill rejections.**

2023 Feb 17 The Citizen

“In another adverse judgment against the beleaguered Road Accident Fund (RAF), the Mpumalanga High Court has ordered the entity’s CEO Collins Letsoalo and the board to explain why they rejected medical expenses claims. The latest saga emanated from RAF’s internal policy implemented last year, directing that all claims lodged towards reimbursing medical aid schemes for covering accident victims’ medical costs be rejected. According to the transport entity, if the medical aid scheme already paid medical costs for an accident victim, RAF had no duty to reimburse the scheme. Although the policy was successfully challenged in court and was declared invalid...”

<https://www.citizen.co.za/news/south-africa/courts/raf-bosses-whipping-court-bill-rejections-february-2023/> (Subscription Needed)

**South Korea**

*Media Comment*

**South Korean court grants legal status for same-sex couple in landmark ruling.**

2023 Feb 21 Daily Maverick

“The Seoul High Court ruled on Tuesday that the state’s health insurer should provide spousal coverage to a same-sex couple, in a decision that lawyers and advocates said marked the first legal recognition of same-sex union in South Korea.”

<https://www.dailymaverick.co.za/article/2023-02-21-south-korean-court-grants-legal-status-for-same-sex-couple-in-landmark-ruling/>

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**MEDICAL EDUCATION / TRAINING**

*Media Comment*



**Twala, Tedeso. About 40 medical graduates still awaits placement from Gauteng Dept of Health.**

2023 Feb 17 702 News

<https://www.702.co.za/articles/467166/about-40-medical-graduates-have-not-been-placed-for-their-community-service-by-the-gauteng-health>

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## MEDICAL ETHICS

### *Journal Articles*

**Ashley, Florence. Youth should decide: the principle of subsidiarity in paediatric transgender healthcare.**

2022 49(2) Feb Journal of Medical Ethics p110

Available for purchase at: <https://jme.bmj.com/content/49/2/110>

**Ghinea, Narcyz. Do doctors have a responsibility to help patients import medicines from abroad?**

2022 49(2) Feb Journal of Medical Ethics p131

Available for purchase at: <https://jme.bmj.com/content/49/2/131>

**Hodson, Nathan. Commitment devices: Beyond the medical ethics of nudges.**

2022 49(2) Feb Journal of Medical Ethics p125

Available for purchase at: <https://jme.bmj.com/content/49/2/125>

**Hoffman, Thomas William and Baker, Joseph Frederick. Navigating our way through a hospital ransomware attack: Ethical considerations in delivering acute orthopaedic care.**

2022 49(2) Feb Journal of Medical Ethics p121

Available for purchase at: <https://jme.bmj.com/content/49/2/121>

**Ignatowicz, Agnieszka. Evaluating interventions to improve ethical decision making in clinical practice: A review of the literature and reflections on the challenges posed.**

2022 49(2) Feb Journal of Medical Ethics p136

Available for purchase at: <https://jme.bmj.com/content/49/2/136>

**Medeiros, Michelle. Research in the USA on COVID-19's long-term effects: Measures needed to ensure black, indigenous and Latinx communities are not left behind.**

2022 49(2) Feb Journal of Medical Ethics p87

<https://jme.bmj.com/content/49/2/87>

**Murdoch, Blake. Reconsenting paediatric research participants for use of identifying data.**

2022 49(2) Feb Journal of Medical Ethics p106

<https://jme.bmj.com/content/49/2/106>

**Parker, Joshua. Barriers to green inhaler prescribing: Ethical issues in environmentally sustainable clinical practice.**

2022 49(2) Feb Journal of Medical Ethics p92

<https://jme.bmj.com/content/49/2/92>

**Randhawa, Jason *et al.* Strategic and principled approach to the ethical challenges of epilepsy monitoring unit triage.**

2022 49(2) Feb Journal of Medical Ethics p81

Available for purchase at: <https://jme.bmj.com/content/49/2/81>

**Wozniak, Phillip S. Clinical challenges to the concept of ectogestation.**

2022 49(2) Feb Journal of Medical Ethics p115

Available for purchase at: <https://jme.bmj.com/content/49/2/115>

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## MEDICAL NEGLIGENCE

### Future Medical Expenses

Case

#### **TN obo BN v Member of Executive Council for Health, Eastern Cape (36/2017) [2023] ZAECBHC 3 (7 February 2023)**

Medical negligence – Future medical expenses – Progressive realisation of healthcare services – Public healthcare remedy – Once-and-for-all-rule – Reasonable standard of such services is that which is available in public sector – Common law developed to accommodate public healthcare and undertaking to pay remedies.

<http://www.saflii.org/za/cases/ZAECBHC/2023/3.pdf>

### 'Do no Harm'

Media Comment

#### **Human, Mark. 'Do no harm' is not a mantra for doctors only.**

2023 Feb 19 Times Live

"Doctors are as fallible as anyone else, but punishing their failures by going to court is seldom the best remedy, writes Dr Mark Human..."

<https://www.timeslive.co.za/sunday-times/opinion-and-analysis/opinion/2023-02-19-do-no-harm-is-not-a-mantra-for-doctors-only/>

(Subscription Needed)

### Medical Treatment

Media Comment

#### **Magill, Tred. 'He was in my arms, then suddenly he was gone': Cape Town family wants answers after 3-year-old's death.**

2023 Feb 21 News24

<https://www.news24.com/news24/southafrica/news/he-was-in-my-arms-then-suddenly-he-was-gone-cape-town-family-wants-answers-after-3-year-olds-death-20230221> (Subscription Needed)

### Victims of Negligence

Opinion

#### **Health department must build trust if it is to care for victims of its negligence.**

2023 Feb 20 Business Live

"Too many South Africans suffer injuries at the hands of the public health system. In the past decade, the scale of the medical negligence claims levelled against the state has risen exponentially, threatening the stability of provincial health budgets. They reported contingent liabilities for medical negligence claims — the cost to the public purse if they were all successful — of R120.3bn in the 2021/2022 fiscal year, the majority of which were for severe birth injuries. While only a fraction of these claims is likely to be paid out, the claims are unbudgeted expenses that leave less money for vital health services."

<https://www.businesslive.co.za/bd/opinion/editorials/2023-02-20-editorial-health-department-must-build-trust-if-it-is-to-care-for-victims-of-its-negligence/>

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## MEDICAL RECORDS / REPORTS

Media Comment

#### **Qodashe, Zoleka. 'Ramaphosa's interim interdict against Zuma's private prosecution bid may be overturned'.**

2023 Feb 16 SABC News

"Legal Analysts argue that there may be prospects for President Cyril Ramaphosa's interim interdict which temporarily halts former President, Jacob Zuma's private prosecution bid against him to be overturned. This comes after Zuma filed papers at the Constitutional Court to overturn the decision of the Gauteng High Court to grant Ramaphosa an



urgent interdict against the process. A full bench of judges at the Gauteng High Court found that a case had been shown for the violation of personal rights on the part of the president. He launched the private prosecution bid against Ramaphosa, accusing him of failing to act against prosecutor, Advocate Billy Downer for the alleged disclosure of his medical records.”

<https://www.sabcnews.com/sabcnews/ramaphosas-interim-interdict-against-zumas-private-prosecution-bid-may-be-overtuned/>

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## MEDICINES AND MEDICAL DEVICES

### Media Comments

#### **Goodall, Keely. Demand for donkey skins in China is wiping them out faster than they can breed.**

2023 Feb 16 Cape Talk

“In China, there is a high demand for donkey skins, which has led to the death of millions of donkeys annually... Donkey skins are used to create ejiao which is used for traditional medicine in China. Sherwin says the demand for donkey skins is leading to a donkey genocide.”

<https://www.capetalk.co.za/articles/467032/donkey-genocide-the-impact-of-china-s-demand-for-donkey-skins-on-africa>

#### **Haroun, Azmi. Russia was cut off by Viagra's manufacturer, and is now scrambling to commission generic erection pills.**

2023 Feb 16 Business Insider US

“Russia has been cut off by the pharmaceutical company that produces Viagra, according to the Washington Post. The company announced that it would halt supplies on Wednesday after stopping clinical trials in 2022. On Wednesday, Russia also announced that 36 companies were raring to produce a domestic alternative.”

<https://www.businessinsider.co.za/russia-cut-off-by-viagras-producer-scrambling-make-erection-pills-2023-2>

#### **Mutizira, Faith. Cystic Fibrosis: Court battle looms over life-saving drug.**

2023 Feb 21 Health-e News

“Cheri Nel, a South African CF patient, submitted papers to the Gauteng High Court in Johannesburg seeking a compulsory licence – a form of IP flexibility – on Trikafta. A trial date is pending. A compulsory licence will allow CF patients in South Africa access to more affordable generic versions of this drug, as several South African CF patients have to access the generic CFTRS from Argentina.”

<https://health-e.org.za/2023/02/21/cystic-fibrosis-court-battle-looms/>

#### **Tomlinson, Catherine. Price of lenalidomide cancer medicine has risen and fallen by over 1,000% since 2016 — we find out why.**

2023 Feb 22 IOL News

“The medicine has often been referred to as a “cash cow” in the media and has been highlighted in [a report](#) by the World Health Organization on problematic cancer medicine pricing strategies used by pharmaceutical companies. Lenalidomide’s pricing in the United States has even been the subject of a [congressional probe](#).”

<https://www.dailymaverick.co.za/article/2023-02-15-price-of-lenalidomide-cancer-medicine-has-risen-and-fallen-by-over-1000-since-2016-we-find-out-why/>

#### **Wilson, Nick. SA factories in danger if govt doesn't boost medicine prices, Adcock warns.**

2023 Feb 21 News24

<https://www.news24.com/fin24/companies/sa-factories-in-danger-if-govt-doesnt-boost-medicine-prices-adcock-warns-20230221>

(Subscription Needed)

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## MENTAL HEALTH

### Media Comments

#### **Jarvis, Lisa. Rising number of teens struggling with mental health problems.**

2023 Feb 20 Business Live

“Teens are struggling — and we’re not doing enough to help them. That’s the clear message from a new report from the US Centres for Disease Control and Prevention. The CDC’s biannual youth risk behaviour survey offers a heartbreaking and, for parents, terrifying glimpse at the state of teens’ mental health, especially among teenage girls.



The trend began before the pandemic but seemed to have been worsened by the isolation of the early Covid-19 years...”

<https://www.businesslive.co.za/bloomberg/news/2023-02-20-rising-number-of-teens-struggling-with-mental-health-problems/>  
(Subscription Needed)

### **Sithole, Amanda. Lack of support cited for mental health crisis in SAPS.**

2023 Feb 20 The Witness

“A lack of psychological support for SAPS members is said to be contributing to the rise in crimes committed by police officers. This is according to Tumelo Mogodiseng, the secretary-general of the South African Policing Union (Sapu), who said an alarming number of law enforcement professionals are not making use of counselling facilities, which is contributing to the increase in crime within the force.”

<https://www.citizen.co.za/witness/news/saps/>

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## MORTUARIES / UNDERTAKERS

*Media Comment*

### **Petersen, Tammy. 'A cold-hearted monster': Distraught woman takes on undertaker as 'cremated' brother lies decomposing in mortuary.**

2023 Feb 20 News24

<https://www.news24.com/news24/southafrica/news/a-cold-hearted-monster-distraught-woman-takes-on-undertaker-as-cremated-brother-lies-decomposing-in-mortuary-20230220> (Subscription Needed)

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## OCCUPATIONAL HEALTH

*Government Gazettes*

### **Compensation for Occupational Injuries and Diseases Act 130 of 1993**

- Opening of 2022 Return of Earnings (ROE) by employers from 1 April 2023 to 31 May 2023.

GenN1616 GG 48065 p3 17Feb2023

<https://bit.ly/3XHNxSD>

- Maximum Earnings and Minimum Assessment.

GenN1617 GG 48065 p417Feb2023

<https://bit.ly/3XHNxSD>

*Internet Article*

### **An employee has a pre-existing injury. However, subsequently, he was involved in an accident at work which caused further injury. Does the pre-existing injury affect compensation claimed by the employee for the latter injury?**

2023 Feb 20 The South African Labour Law Reports: article 3 of 2023

“In Department of Labour: [Compensation Commissioner v Botha \(2022\) 3 SALLR 17 \(SCA\)](#), it is submitted that the supreme court of appeal adopted the following correct approach:

- the question to be determined is whether there is a causal connection between the subsequent accident and the disability;
- in order to determine whether or not such causal link is established, the approach adopted in *Basson v Ongevallekommisaris* [2000] 1 All SA 67 (C) is to be followed, entailing that a causal connection is established if the subsequent accident was a contributing factor, even if a pre-existing condition existed, i e the disability was exacerbated by the subsequent accident, rendering the employee disabled...”

<https://www.sallr.co.za/labouredge/article-3-2023/>

*Law Firm Article*

### **Dinnie, Donald and Magagula, Sebenzile. Delictual liability: A text book claim [[Hobongwana v Benteler South Africa \(Pty\) Ltd \(494/2019\) \[2023\] ZAECQBHC 6 \(6 February 2023\)](#)].**

2023 Feb 16 Norton Rose Fulbright: Financial Institutions Legal Snapshot



“The court drew a causal link between the defendant's failure to provide the plaintiff with the necessary training and supervision and the injuries suffered by the Plaintiff, by applying the “but for” test. In this instance, the court held that if the plaintiff had been afforded proper training, instruction and supervision, the plaintiff would have known of the inherent risks involved in the operation of the machines and would have operated them accordingly.”

<https://www.financialinstitutionslegalsnapshot.com/2023/02/delictual-liability-a-text-book-claim/>

#### Media Comments

#### Malan, Mia [et.al]. Why South African sex workers' lives could be safer from 2024.

2023 Feb 21 Business Live

<https://www.businesslive.co.za/fm/fm-fox/2023-02-21-watch-why-south-african-sex-workers-lives-could-be-safer-from-2024/>

#### Mavuso, Sihle. Tongaat Hulett accused of allegedly cheating the Compensation Fund and placing workers' lives at risk.

2023 Feb 19 IOL News

“Tongaath Hulett, the troubled sugar-cane farming giant which is already tainted by fraud allegations and under business rescue, is facing fresh allegations of wrongdoing. The company is now accused of not properly reporting workplace injuries and allegedly cheating the Compensation Fund.”

<https://www.iol.co.za/news/tongaath-hulett-accused-of-allegedly-cheating-the-compensation-fund-and-placing-workers-lives-at-risk-da8d217f-1a70-48ea-91c4-41ebc3a39df7>

#### Ryan, Ciaran. Decade-old silicosis class action suit clears another hurdle [**DRDGOLD Limited and Another v Nkala and Others (688/2016) [2023] ZASCA 9 (6 February 2023)**].

2023 Feb 15 IOL News

“Last week the Supreme Court of Appeal (SCA) threw out an appeal by DRDGold and East Rand Proprietary Mines (ERPM) against an earlier Johannesburg High Court decision certifying that mine workers suffering harm in the course of their work constituted a ‘class’.

<https://www.moneyweb.co.za/mineweb/decade-old-silicosis-class-action-suit-clears-another-hurdle/>

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## ORGAN DONATION

#### Media Comment

#### Symonds, Tom. Nigerian street trader gives evidence at organ donation plot trial.

2023 Feb 21 BBC News

“A Nigerian market trader allegedly trafficked to London has told a jury he was shocked when a doctor revealed he was there to donate a kidney. The man, who cannot be named for legal reasons, said he thought he was coming to the UK for work. At the Old Bailey, Nigerian politician Ike Ekweremadu, 60, has denied breaking modern slavery laws. He is accused of bringing the 21-year-old to the UK to provide a kidney for his daughter Sonia.”

<https://www.bbc.com/news/uk-england-london-64710899>

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## PERSONAL INJURY

#### Case

#### Radebe v Road Accident Fund (1657/2021) [2023] ZAFSHC 23 (30 January 2023)

Motor vehicle collision – Traffic officer – Ankle injury, anxiety and depression – Resuming employment – Early retirement would cause financial loss – Surgery to ankle, medication and psychotherapy available – Injury not appearing to be bar to career progression – Award not to be windfall – Contingency deduction of 20% for pre-accident earnings and 25% for post-accident earnings.

<http://www.saflii.org/za/cases/ZAFSHC/2023/23.pdf>

#### Case – Law Reports

#### IM v Road Accident Fund 2023 (1) SA 573 (FB)





**Juta Law Reports Advance Notification summary:** Motor vehicle accidents – Road Accident Fund – Duties – Conduct of litigation – Plaintiff’s expert reports admitted into evidence moments before trial, but aspects thereof then challenged by Fund’s counsel – Court’s approach to expert evidence restated and applied – Fund’s conduct going against its duty as organ of state to be open to settlement.

Judgment: <http://www.saflii.org/za/cases/ZAFSHC/2022/251.pdf>. South African Law Reports available from [Juta](#).

#### Media Comments

**Chabalala, Jeanette. Court victory for rugby player left paralysed 17 years ago as North West MEC loses damages appeal.**

2023 Feb 16 News24

<https://www.news24.com/news24/southafrica/news/win-for-rugby-player-left-paralysed-17-years-ago-as-north-west-mec-loses-appeal-in-damages-claim-20230216>

**Chabalala, Jeanette. Woman wins R1.7m in damages from Cele after losing eye to police rubber bullet when she was a teen.**

2023 Feb 18 News24

<https://www.news24.com/news24/southafrica/news/woman-wins-r17m-in-damages-from-cele-after-losing-eye-to-police-rubber-bullet-when-she-was-a-teen-20230218>

**Makhafola, Getrude. RAF bosses get another whipping in court, ordered to explain medical bill rejections.**

2023 Feb 17 The Citizen

“In another adverse judgment against the beleaguered Road Accident Fund (RAF), the Mpumalanga High Court has ordered the entity's CEO Collins Letsoalo and the board to explain why they rejected medical expenses claims. The latest saga emanated from RAF's internal policy implemented last year, directing that all claims lodged towards reimbursing medical aid schemes for covering accident victims' medical costs be rejected. According to the transport entity, if the medical aid scheme already paid medical costs for an accident victim, RAF had no duty to reimburse the scheme. Although the policy was successfully challenged in court and was declared invalid...”

<https://www.citizen.co.za/news/south-africa/courts/raf-bosses-whipping-court-bill-rejections-february-2023/> (Subscription Needed)

**McCain, Nicole. Free State judge to appear in court in R2.5-million Road Accident Fund fraud case.**

2023 Feb 20 News24

“A Free State judge is expected to appear in court on charges of theft and money laundering. The judge was served with a summons after a Hawks investigation into alleged RAF fraud. The RAF claim was made on behalf of a six-year-old.”

<https://www.news24.com/news24/southafrica/news/free-state-judge-to-appear-in-court-in-r25-million-road-accident-fund-fraud-case-20230220>

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## PUBLIC HEALTH

#### Media Comments

**Bhengu, Steve. Kaunda unconcerned by possible court challenge over health of Durban beaches.**

2023 Feb 16 East Coast Radio

<https://www.ecr.co.za/news/news/kaunda-unconcerned-possible-court-challenge-over-health-durban-beaches/>

**Kretzmann, Steve. Plans to stop raw sewage being pumped into the sea off Cape Town.**

2023 Feb 21 GroundUp

“The City of Cape Town’s permits to discharge sewage at three marine outfalls, two of them in Marine Protected Areas, have just been renewed. At the moment the sewage is passed through a small sieve but not treated. However, the City says it is considering treating the sewage before it lands in the sea. But even so, some “forever” chemicals from medication which enters the sewerage system will not be broken down.”

<https://www.groundup.org.za/article/plans-to-stop-raw-sewage-being-pumped-into-the-sea-off-cape-town/>

**McCain, Nicole. City of Cape Town pooh-poohs sewage outfall concerns, says alternatives will cost billions.**

2023 Feb 18 News24

<https://www.news24.com/news24/southafrica/news/city-of-cape-town-pooh-poohs-sewage-outfall-concerns-says-alternatives-will-cost-billions-20230218>



**Motsoere, Gloria and Ramushwana, Alpha. Watch: traffic chaos after explosion on N1 near William Nicol Drive.**

2023 Feb 17 EWN

“The Johannesburg Metro Police Department (JMPD) says the explosion on the N1 highway near William Nicol Drive was caused by a fuel container, which was being transported on a trailer. It said the trailer dislodged from the vehicle, landed on the freeway and exploded. This was confirmed to Eyewitness News by emergency workers on the scene, who said a vehicle transporting an unconfirmed substance in a cylinder on a trailer collided with a light motor vehicle.”

<https://ewn.co.za/2023/02/17/watch-traffic-chaos-after-explosion-on-n1-near-william-nicol-drive>

**Naidoo, Dominic. Almost 14 000 Nigerians take Shell to court over impact of pollution.**

2023 Feb 17 IOL News

<https://www.iol.co.za/news/environment/almost-14-000-nigerians-take-shell-to-court-over-impact-of-pollution-0524de06-671f-4701-9860-2375faa39e86>

**Something stinks – Eskom’s uncontrolled pollution emissions cost thousands of lives and billions of rands.**

2023 Feb 20 Health-e News

<https://health-e.org.za/2023/02/20/something-stinks-eskoms-uncontrolled-pollution-emissions-cost-thousands-of-lives-and-billions-of-rands/>

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## RESEARCH ETHICS

*Journal Article*

**Mahomed, S. and Labuschaigne, M.L. The evolving role of research ethics committees in the era of open data.**

2022 15(3) South African Journal of Bioethics and Law p80

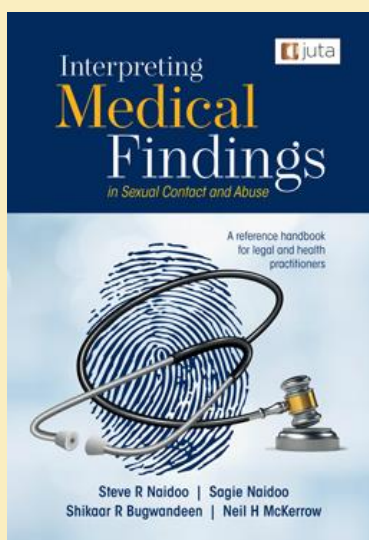
“This article explores the continuing evolving role of RECs in the era of open data and recommends the development of a data transfer agreement for the ethical management of personal health information, considering the challenges that RECs encounter, which centres predominantly on privacy, data sharing and access concerns following advances in genetic and genomic research and biobanking.”

<https://samajournals.co.za/index.php/sajbl/article/view/578/297>

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## SEXUAL CONTACT AND ABUSE CASES

*New Publication*



**Naidoo, Steve R. [et al.] Interpreting medical findings in sexual contact and abuse: a reference handbook for legal and health practitioners. – Juta, 2023.**

ISBN: 9781998962389

Contents:

Part I: Legal, Administrative & Ethical Aspects [Legislation & offences – Responses on the management of sexual offences – Authorisation, consent & ethical issues of medical examinations]

Part II: Biology of Sexual Contact [Properties of skin and mucous membranes in injury – Physical injuries – Biology of sexual function – Genital injury during sexual intercourse – Biological evidence in sexual contact – Sexually transmitted infections]

Part III: Clinical Aspects [The clinical examination and its medicolegal issues – Selected aspects of the child victim of sexual abuse – Documentation and reaching clinical conclusions – Principles for medical treatment of survivors of sexual abuse]

Part IV: Miscellaneous [ Drug-facilitated sexual assault (DFSA) and toxicology – Misconceptions around sexuality and rape – Validation of the clinical examiner]



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## STANDARDS

*Government Gazette*

### Standards Act 8 of 2008

Amended standards:

- Resistance to fungal attack by mixed fungi. Consolidated edition incorporating amendment No. 1.
- Non-woven wound dressings. Consolidated edition incorporating amendment No. 1.

Withdrawn standards

- Bed tilting devices.

GenN1613 GG 48062 p119 17Feb2023

[https://www.gov.za/sites/default/files/gcis\\_document/202302/48062gen1613.pdf](https://www.gov.za/sites/default/files/gcis_document/202302/48062gen1613.pdf)

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## TAXATION

*Media Comments*

### Arnoldi, Marleny. BFAP warns of looming sugarcane job losses if sugar tax is increased.

2023 Feb 16 Engineering News

<https://www.engineeringnews.co.za/article/bfap-warns-of-looming-sugarcane-job-losses-if-sugar-tax-is-increased-2023-02-16>

### 'Sin' industries place more pressure on finance minister.

2023 Feb 21 The Citizen

"The sugar and beer industries are again pleading with Finance Minister Enoch Godongwana to hold off on tax increases in their sectors, claiming they are still reeling from the economic blows dealt by the Covid-19 pandemic and recurring floods as well as the high inflationary environment and load shedding. Their pleas come just ahead of National Treasury's tabling of the 2023 National Budget on Wednesday (22 February)."

<https://www.citizen.co.za/business/sin-industries-place-more-pressure-on-finance/>

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## TEENAGE PREGNANCIES

*Opinion*

### Voce, Anna [et.al]. The 'epidemic' of adolescent pregnancy in SA.

2023 Feb 17 IOL News

"Adolescent pregnancy is common in South Africa with data pointing to an "epidemic" of adolescent pregnancy putting strain on our healthcare systems and societies. In 2021, Statistics South Africa reported that 142 704 births registered occurred to mothers aged 10 to 19 years. KwaZulu-Natal has the highest prevalence of adolescent pregnancy with 36 171 deliveries recorded in girls aged 10 to 19. Further, repeat births to adolescents is an untold story in South Africa warranting attention. Specifically, in the schooling system, the Minister of Basic Education, Angie Motshekga reported to parliament that 91 000 learners fell pregnant in 2021."

<https://www.iol.co.za/dailynews/opinion/the-epidemic-of-adolescent-pregnancy-in-sa-e262e87b-7c50-4a21-a91b-2b58178802b7>

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## TOBACCO / VAPING PRODUCTS

*Media Comment*



**Kahn, Tamar. Vaping industry urges Treasury to delay excise tax on its products.**

2023 Feb 20 Business Live

“SA’s key industry association for e-cigarettes has called on the Treasury to delay implementing a new excise tax on its products until the government has finalised a regulatory framework for the sector. The Treasury plans to impose excise duty of R2.90/ml for both nicotine and non-nicotine electronic delivery devices from June this year, despite the absence of controls on these products. The Tobacco Products and Electronic Delivery Systems Control Bill seeks to bring e-cigarettes into the regulatory fold for the first time and is before parliament...”

<https://www.businesslive.co.za/bd/national/health/2023-02-20-vaping-industry-urges-treasury-to-delay-excise-tax-on-its-products/#:~:text=E%2Dcigarettes%20body%20warns%20the,sales%20and%20could%20cost%20jobs&text=SA's%20key%20industry%20association%20for,regulatory%20framework%20for%20the%20sector.> (Subscription Needed)

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## WATER

*Internet Article*

**Ismail, Husna and Perovic, Olga. Water cuts in South Africa are hurting hospitals and clinics - there’s an increased risk of infections.**

2023 Feb 16 The Conversation

“South Africa is a water scarce country. Changing rainfall patterns and the escalating electricity crisis are making the situation worse. Treating and distributing water requires electricity. Some of the country’s biggest cities have had to impose water restrictions and residents in other parts have gone months without regular water supply. Unfortunately, health facilities have not been spared. There have been numerous media reports of hospitals and clinics around the country being hit by water shortages. The Conversation Africa’s Ina Skosana spoke to epidemiologist Husna Ismail about the dangers of clinics and hospitals running out of water.”

<https://theconversation.com/water-cuts-in-south-africa-are-hurting-hospitals-and-clinics-theres-an-increased-risk-of-infections-199425>

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### Events Calendar for 2023

View [here](#).



### Summaries of Constitutional Court and Supreme Court of Appeal Judgments: 2022

View [here](#).



**Draft and  
Parliamentary  
Bills**

**A list of draft and Parliamentary  
Bills gazetted/tabled during 2023  
as well as Bills approved by  
Cabinet.**

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