# THE SOUTH AFRICAN JOURNAL OF BIOETHICS & LAW

OCTOBER 2013 VOL. 6 NO. 2

# CONTENTS

## **EDITORIAL**

38 Establishing national biobanks in South Africa: The urgent need for an ethico-regulatory framework A Dhai

### CORRESPONDENCE

40 Reporting underage consensual sex after the Teddy Bear case: A different perspective A Strode, J Toohey, C Slack, S Bhamjee

### FORUM

43 Do prisoners in South Africa have a constitutional right to a holistic approach to antiretroviral treatment? N Motala, D McQuoid-Mason

#### ARTICLES

- 48 Beyond the hidden curriculum: The challenging search for authentic values in medical ethics education *G M Ssebunnva*
- 52 No one 'owns' the genome: The United States Supreme Court rules that human DNA cannot be patented *E Hurter*
- 55 Informed consent for telemedicine in South Africa: A survey of consent practices among healthcare professionals in Durban, KwaZulu-Natal *C Jack, M Mars*
- 60 Medical information therapy and medical malpractice litigation in South Africa W Moore, M Nöthling Slabbert
  - W Moore, M Nothling Slabbert
- 64 'Single' v. 'panel' appointed forensic mental observations: Is the referral process ethically justifiable? T Schutte, U Subramaney,
- 69 The parameters of the current legal framework for health research: Forms of health research which are regulated and obligations imposed on researchers A F Strode

#### **BOOK REVIEWS**

- 72 The Health of Nations: Towards a New Political Economy by Gavin Mooney A Dhai
- 73 South Africa's Suspended Revolution: Hopes and Prospects by Adam Habib A Dhai
- 74 *Human Dignity in Contemporary Ethics* by David G Kirchhoffer *A Dhai*
- 75 CPD

The SAJBL is published by the Health and Medical Publishing Group (Pty) Ltd, Co registration 2004/0220 32/07, a subsidiary of SAMA. 28 Main Road (Cnr Devonshire Hill Road), Rondebosch, 7700 EDITOR Ames Dhai

CO-EDITOR David Mcquoid-Mason

EDITORIAL BOARD Kevin Behrens Alexandra Capron Peter Cleaton-Jones Liz Gwyther Mariana Kruger Willem Landman Leslie London Nhlanhla Mkhize Charles Ngwenya J P De V Van Niekerk Daniel Wikler

#### HMPG

EDITOR Janet Seggie

EDITOR EMERITUS Daniel J Ncayiyana

MANAGING EDITOR J P De V Van Niekerk

DEPUTY EDITOR Bridget Farham

ASSISTANT EDITOR Emma Buchanan

EDITORIAL SYSTEMS MANAGER Melissa Raemaekers

SCIENTIFIC EDITOR Kerry Gordon

TECHNICAL EDITORS Robert Matzdorff Taryn Skikne Paula Van Der Bijl

HEAD OF PUBLISHING Robert Arendse

PRODUCTION ASSISTANT Neesha Hassan

ART DIRECTOR Brent Meder

DTP & DESIGN Anelia du Plessis Carl Sampson

HMPG BOARD OF DIRECTORS M Raff (Chair) R Abbas M Lukhele D J Ncayiyana T Terblanche M Veller

lssn 1999-7639



Financial support for SAJBL is received from the Medical Protection Society. SAJBL is published by the Health and Medical Publishing Group.