



Section 59

Established in terms of Section 7(a)(b)(c)(d), 8(a) and (k) and 9(2) of the Medical Schemes Act, 131 of 1998.

Dear Ms Mosiah

Media engagements in respect of the Section 59 Investigation Panel (“the Panel”)

1. We refer to your letter dated 22 August 2019 (“**your letter**”).
2. We have not pre-judged any of the issues before us and you have no reasonable basis for suggesting otherwise. Our engagement with the media has not created any impression of pre-judging the complaints or issues arising in the investigation.
3. The Panel is an investigating body. It must investigate (which includes questioning witnesses) and make recommendations (which requires an evaluation of the evidence and an analysis of the law). We are not expected, in terms of our mandate, to act like judges adjudicating *lis* between parties. The integrity of the investigation requires our active participation in the investigative work of the Panel.
4. There is no harm in engaging the media to the extent that they are interested in the work that is being done by the Panel. Our discussions with the media are intended at fostering transparency and informing the public about the issues arising from the investigation. No one can suggest that there is no public interest in the issues which are investigated by the Panel.
5. We have communicated in summary form only the evidence which has been heard thus far, which mainly comprises evidence from health care providers and their representative associations (“**providers**”), who have made allegations of abuses of section 59 and unfair race discrimination by medical schemes. We have informed the public of this. When the medical schemes and administrators present their evidence, and should we be invited by the media to do so, we will communicate such evidence.
6. We reject the suggestion that our mere engagement with the media can create the impression that we are biased. The two interviews conducted by the Chair of the Panel cannot reasonably create such impression.

Adv Tembeka Ngcukaitobi | Adv Kerry Williams | Adv Adila Hassim

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7. We cannot be held responsible for how the media reports on the investigation and the Panel's work. We will in due course evaluate all the evidence submitted before us.
8. Finally, in the interests of transparency, we shall be making your letter, and our reply thereto public.

Yours sincerely,

The Investigation Panel

TRANSMITTED ELECTRONICALLY WITHOUT SIGNATURE

Adv Tembeka Ngcukaitobi | Adv Kerry Williams | Adv Adila Hassim

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