

**Health Funders Association NPC**

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22 August 2019

The Chairman  
**Section 59 Investigation Steering Committee**  
**Council for Medical Schemes**

Block A, Eco Glades 2 Office Park  
420 Witch-Hazel Avenue, Eco Park  
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For attention: Dr Mini

Dear Dr Mini

**MEDIA ENGAGEMENTS IN RESPECT OF THE SECTION 59 INVESTIGATION**

The purpose of this letter is to register our concern regarding the Section 59 Investigation Panel's engagements with the media in respect of the proceedings of the Section 59 Investigation. We refer, in particular, to interviews conducted on 702 Talk Radio with the Chairman of the Section 29 Investigation Panel (the Panel), on Wednesday 31 July 2019 and on Metro FM on 1 August 2019.

The Terms of Reference for the Panel state that the Panel will carry out its mandate on the basis of an "independent investigation". We believe that all members of the Panel have a responsibility to ensure that the investigation conducted by the Panel proceeds fairly and that members of the Panel act, and are seen to act, impartially and without bias. Most importantly, this involves refraining from pre-judging, or creating any impression of pre-judging the outcome of the investigation. In our view, the interviews referred to above created precisely this perception of bias. This perception of bias persists

notwithstanding the fact that the Chair of the Panel rightly pointed out, in the interviews in question, that submissions were yet to be made by medical schemes and other stakeholders.

For these reasons, we believe that it is inappropriate for any member of the Panel to engage with the media on any of the content in the Panel's possession before the proceedings have been completed and the Panel's recommendations are finalised and reported to the Council for Medical Schemes (CMS). We say this because, inevitably, where the content of submissions made to the Panel is reported on or discussed with the media, that content may often be interpreted and/or summarised inaccurately. This carries the risk of creating the perception in the public mind that the issue has already been prejudged.

Where the submissions, which are discussed in an interview, have been made by the complainants (or persons representing them) without the persons complained against having had the opportunity to respond, it is almost impossible to avoid a public perception that the person conveying that content believes the submissions to be an accurate and complete representation of factual circumstances, or at least to be legitimate complaints. This in turn creates a perception that the person conveying the information has associated him or herself with one side of a dispute.

For these reasons, we earnestly plead that the members of the Panel are requested to desist from engaging with the media, or any person outside of the Panel proceedings, regarding any matter relating to submissions made to the Panel or your analysis and views thereon. We believe that a continuation of this type of engagement with the media creates a material risk of jeopardising the independence of the Panel and ultimately the legitimacy of the investigation and any recommendations made by the Panel.

We would welcome the opportunity to discuss this matter with other members of the Steering Committee.

Yours sincerely



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Lerato Mosiah  
Chief Executive Officer – HFA

cc via email:

Mr. Teddy Mosomothane - Chairman of HFA

Adv. Thembeke Ngcukaitobi - Chairman of the Section 59 Investigation Panel

Ms. Grace Khoza – Head of Stakeholder Relations, CMS



Directors: Teddy Mosomothane (Chairman), Lerato Mosiah (Chief Executive), Andre de Koker, Barbara Duffy, Dr. Nozipho Sangweni, Dr Tebogo Phaleng, Jeremy Yatt, Toni van den Bergh