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Judge C.J.Claassen  
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6 November 2015

The Hon. Dr. Motsoaledi  
Minister of Health  
Private bag X399  
Pretoria  
[masukm@health.gov.za](mailto:masukm@health.gov.za)

Dear Dr. Motsoaledi

**In re: Irregularities at the HPCSA and RAF Appeal Tribunals**

I hope this letter finds you in good health.

In light of the good cooperative relationship established between myself and your Department, I take the liberty of writing you in that spirit to bring to your attention the existence of certain irregularities which seem to be detrimental to the interests of the public at large. It was brought to my attention in a letter addressed to me by Dr. Herman Edeling, a neurosurgeon of some 40 years experience in his field and a seasoned expert witness in medico-legal matters, particularly in the application of Road Accident Fund matters. He is also the chairperson of the 4<sup>th</sup> Appeal Tribunal of the HPCSA dealing with decisions as to what constitutes “serious injuries” in claims against the RAF. I attach hereto a copy his letter dated 6 November 2015.

In light of the recent Commission of Inquiry into irregularities found to exist at the HPSCA, I deemed it my duty to inform you of further concerns raised by a responsible medical health professional like Dr. Edeling, which adversely affects the right to proper compensation of the public. His letter highlights 3 areas of concern, which may be summarised as follows:

- (i) The Regulations issued under the Road Accident Fund Act 56 of 1996, empower the Registrar to appoint members to Appeal Tribunals. This power has been delegated to certain case administration officers who have legal training but no medical training that would assist them in appointing suitably qualified medical health professionals to the Appeal Tribunals. This lack of expertise on their part has resulted in appointments being made to the Appeal Tribunals of individuals who were unsuited to perform the functions adequately and responsibly in a fair and just manner;

(ii) The dominant case administration officer attends meetings with the RAF on a regular basis. In doing so, the perception is created that he has sacrificed his independence between the RAF and claimants.

(iii) This state of affairs has resulted in a backlog of cases instituted by dissatisfied claimants to review decisions made by Appeal Tribunals, all of which imply additional costs and unnecessary delays in paying compensation to claimants.

The letter written by Dr. Edeling provides examples of the unfortunate consequences of the above state of affairs. He indicates a willingness to supply proof of these allegations should he be requested to do so. His motivation in doing so is guided by a desire to assist the responsible departments to implement their duties in a fair and just manner to the benefit of the public and not to harm or discredit innocent employees. Should he be approached for suggestions to resolve the abovementioned irregularities, he is willing to oblige.

It is appreciated that the jurisdiction of the RAF falls within the domain of the Department of Transport. Hence, I will address a similar letter to the Honourable Minister of Transport. It would, however, seem as if the particular difficulties call for cooperation between the two departments for attention and resolution as it covers both the duties of employees of the HPCSA and the Department of Transport.

Your kind assistance in this regard will be highly appreciated.

A handwritten signature in black ink, appearing to read 'C.J. Claassen', written in a cursive style.

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The Hon. Mr. Justice C.J. CLAASSEN