



**MINUTES OF PROCEEDINGS OF THE SELECT COMMITTEE ON PETITIONS
AND EXECUTIVE UNDERTAKINGS**

1. **Date:** Wednesday, 03 June 2015
2. **Time:** 08h30
3. **Venue:** Committee Room S36, First Floor, NCOP Building
4. **Agenda:**
 - 4.1 Opening and Welcome
 - 4.2 Continuation of Hearing on Fuzane Petition
 - 4.3 Committee Resolutions
 - 4.4 Announcements and correspondence
 - 4.5 Closure
5. **Attendance by Committee Members**

Name of Member	Status	Political Party	Province
Mr S G Thobejane (Chairperson)	Present	ANC	Limpopo
Ms T Wana	Present	ANC	Eastern Cape
Mr D L Ximbi	Present	ANC	Western Cape
Mr M J Mohapi	Present	ANC	Free State
Mr L P M Nzimande	Absent with Apology	ANC	KZN
Mr G M Manopole	Present	ANC	Northern Cape
Mr M T Mhlanga	Present	ANC	Mpumalanga
Mr G Michalakis	Present	DA	Free State
Mr J W W Julius	Present	DA	Gauteng
Mr M Chetty	Present	DA	KZN
Ms T J Mokwele	Present	EFF	North West

6. Parliamentary Support Officials

Parliamentary Officials	Designation
Dr M Gondwe	Committee Content Advisor
Mr N Mkhize	Committee Secretary
Ms A Zindlani	Committee Assistant
Adv T Sterris	Committee Researcher
Ms N Fakier	Executive Secretary

7. Attendance by Stakeholders

- 7.1 Ms N Fuzane, Petitioner in the Fuzane Petition
- 7.2 Dr B Engelbrecht, Head of Health, Western Cape Government
- 7.3 Dr T Carter: Deputy Director General, National Department of Health
- 7.4 Dr D Bass, Medical Advisor, Western Cape Department of Health
- 7.5 Dr Patel, Chief Executive Officer, Groote Schuur Hospital
- 7.6 Dr A Kharwa, Chief Executive Officer, Khayelitsha District Hospital

7.7 Members of the Portfolio Committee on Health –

- 7.51 Hon ML Dunjwa (Chairperson), ANC, Eastern Cape;
- 7.5.2 Hon Dr P Maesela, ANC, Gauteng;
- 7.5.5 Hon I Mosala, ANC, North West;
- 7.5.6 Hon MA Scheepers, ANC, Free State;
- 7.5.7 Hon Dr WG James. DA, Western Cape;
- 7.5.8 Hon HC Volmink, DA, Gauteng;
- 7.5.10 Hon MO Mokause, EFF, Northern Cape;
- 7.5.11 Hon SJ Nkomo, IFP, Kwa-Zulu Natal; and
- 7.5.12 Hon AM Shaik, NFP, Kwa-Zulu Natal.

8. Welcome and Opening

The Chairperson welcomed the Members, petitioner and stakeholders in attendance to the hearing and proceeded to explain that the hearing is the third in a series of hearings on the Fuzane petition. He further noted the Committee last held a hearing on the petition on 13 May 2015 but was forced to adjourn it due to time constraints.

The Chairperson further mentioned the petition pertained to the manner in which the petitioner's late daughter, Tamara Fuzane (Tamara) was treated whilst admitted at Groote Schuur Hospital (GSH) and Khayelitsha District Hospital (KDH).

The Chairperson then requested Dr A Kharwa (Dr Kharwa), the Chief Executive Officer of Khayelitsha District Hospital (KDH), to resume with his submissions on behalf of KDH.

9. Continuation of Hearing on Fuzane Petition

In making his closing submissions to the Committee, Dr Kharwa chose to read a paragraph (namely paragraph 9) from a memorandum, prepared Dr Beth Engelbrecht (Dr Engelbrecht), Head of Health for the Western Cape Government, for purposes of making submissions to the Committee.

The paragraph essentially summarised the details around Tamara's admission at KDH and the actions taken by KDH upon Ms Fuzane discovering that Tamara had sustained injuries to her upper body.

Dr Kharwa submitted it was regrettable that no one at KDH noticed the injuries until such a time Ms Fuzane brought them to the hospital's attention. He also reiterated the he commissioned an investigation aimed at determining the cause of Tamara's injuries and

whether these injuries could have been inflicted on Tamara whilst she was admitted at KDH. However the investigation he commissioned did not attribute the injuries to an assault on Tamara whilst admitted at KDH.

After listening to the submissions from Dr Kharwa, the Committee then heard from Dr Engelbrecht. Dr Engelbrecht informed the Committee that she would read out in full, the memorandum she had prepared for the hearing and thereafter answer questions from the Committee on her submissions in this regard.

She further explained she had prepared the memorandum in an effort to summarise the facts surrounding Tamara's admission at the relevant hospitals. Dr Engelbrecht also emphasised that as Head of Health, she took full responsibility for the actions of all members of staff placed under her supervision.

Dr Engelbrecht also requested the Committee to allow Dr Patel, the Chief Executive Officer of Groote Schuur Hospital (GSH), to briefly expand on the complaints procedure at GSH. Dr Patel stated GSH took every complaint it received from its patients in a serious light and it had looked into the complaint from Ms Fuzane, namely that her daughter had been improperly discharged from GSH in July 2011. Dr Patel further stated after looking into the complaint, they established Tamara's discharge had not been patient centred and accordingly apologised to Ms Fuzane for the nurse's behaviour and assured her GSH would talk to the relevant nurse regarding her behaviour in this regard.

The Committee also allowed Dr Carter, a Deputy Director General in the National Department of Health (DOH), to make his submissions. Dr Carter begun his submissions, by informing the Committee that he had consulted Professor Simon, Head of Forensic Medicine, at the University of Pretoria on the petition and requested him to draw a conclusion as to the most likely cause of the injuries sustained by Tamara. Professor Simon then concluded in a written report that the injuries sustained by Tamara could be attributed to an assault, with an object resembling a cane or stick. In his report Professor Simon, also indicated the injuries were inflicted in a repetitive manner and as such were not consistent with accidental injuries. Professor Simon further concluded the injuries were likely inflicted on Tamara the day before she was discharged from KDH.

Dr Carter also informed the Committee he undertook a visit to KDH and requested the names and contact details of the nurses and patients who might have information on the injuries sustained by Tamara in July 2011.

Dr Carter further mentioned he visited Khayelitsha Police Station and perused the docket pertaining to the the alleged assault on Tamara and found that it had been closed and later reopened on 15 May 2015. He further mentioned he spoke to the Senior Prosecutor assigned to the case and informed him he has new information relating to alleged and as such the matter should be reinvestigated.

10. Committee Resolutions

The Committee made the following resolutions around the hearing of the petition:

- Dr Engelbrecht to furnish the Committee with copies of Tamara's admission files at both GSH and KDH.

- The Committee Secretariat to collect a copy of the report and findings made by the DOH to ensure the Committee has all the relevant information when making its deliberations on the hearing.
- The Committee, together with the Portfolio Committee on Health, to find a suitable time in its Third Term Programme to deliberate on submissions made during the hearings on the petition.
- During the above deliberations, the letter from the Office of the Director of Public Prosecutions should also be taken into account.

11. Announcements and Correspondence

No announcements were made to the Committee and nor was there any correspondence brought to the attention of the Committee.

12. Closure

The Chairperson thanked everyone who made submissions in relation to the petition. The Chairperson further appealed to anyone with additional information on the petition to contact the Committee with a view to submitting that information.

The hearing was adjourned at 11h20.

Honourable S G Thobejane, MP

Date:

Chairperson: Select Committee on Petitions and Executive Undertakings

An additional document was submitted to the Committee by the petitioner in the Fuzane Petition, namely a newspaper article from City Vision (Khayelitsha) published Thursday 25 August 2011.