

NATIONAL ASSEMBLY

FOR WRITTEN REPLY

QUESTION NO. 242

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(INTERNAL QUESTION PAPER NO. 02)**

Ms N N Chirwa (EFF) to ask the Minister of Health:

Whether he has been informed of the role that Dr Wouter Basson played during apartheid in fermenting plans to kill black persons; if not, what is the position in this regard; if so, what are the reasons that justify his continued registration as a medical practitioner in the Republic?

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REPLY:

According to the Acting Registrar of the Health Professions Council of South Africa (HPCSA), Dr. Wouter Basson is still on the register of medical practitioners in terms of the Health Professions Act, 1974 (Act No. 56 of 1974) ("the Act"). The Acting Registrar further indicated that Dr. Basson is legally entitled to remain on the register of medical practitioners until he is removed from the register in terms of section 19 of the Act.

The HPCSA charged Dr. Wouter Basson with, and found him guilty of, unprofessional conduct on 18 December 2013. Dr. Basson was, inter alia, charged and found guilty of the following charges – Coordination of the production of drugs.

Having been found guilty of unprofessional conduct on 04 February 2015 and during the sentencing proceedings, Dr. Basson applied for the recusal of two of the members of the professional conduct committee arguing bias. The professional conduct committee which consisted of three members dismissed Dr. Basson's application for recusal of two of its members. Dr. Basson thereafter applied to the High Court for the review and setting aside the dismissal of his application for the recusal of two members of the professional conduct committee.

The High Court dismissed Dr. Basson's application for the review and setting aside the professional conduct committee's refusal of his application for the recusal of the two members of the professional conduct committee.

Dr. Basson appealed to the Supreme Court of Appeal against the High Court's dismissal of his review application, and the Supreme Court of Appeal upheld his appeal on 17 January 2018 and directed that the matter be remitted back to the High Court for a decision on the review application.

On 27 March 2019, the High Court granted the application for the review and setting aside of the professional conduct committee's refusal of the application for recusal of two of its members.

The HPCSA unsuccessfully applied for leave to appeal the decision of the High Court. The HPCSA then unsuccessfully petitioned the Supreme Court of Appeal. The HPCSA applied for leave to appeal to the Constitutional Court, and on 05 February 2020, the Constitutional Court dismissed the HPCSA's application for leave to appeal the ruling of the Supreme Court of Appeal.

Dr. Basson's successful recusal of the two members of the professional conduct committee vitiated the entire professional conduct proceedings with the result that the professional conduct proceedings against Dr. Basson will now have to commence de novo (afresh) before the newly constituted Protecting the public and guiding the professions President: Prof M S Nmutandani, Vice President: Dr. S Sobuwa, Acting Registrar/CEO: Dr. MA Kwindi professional conduct committee and the HPCSA is preparing to commence these proceedings against Dr. Basson afresh.

END.