

Democratic Alliance statement by  
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# Gauteng Health still mishandling medical negligence court cases

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**Release:** Immediate

The Gauteng Health Department is still unnecessarily delaying court proceedings in negligence cases and not paying court-ordered costs.

This is despite the assertion by Gauteng Health MEC Qedani Mahlangu last year that all debts are paid when requested and that medical negligence cases are not habitually defended without reason.

Attorney Gary Austin has disclosed that last week he authorized the Sheriff of the Court to attach the Department's assets in the matter of Mathe because of R256 723.26 owing in costs. He details the following sequence of events:

1. Bills served on the MEC in terms of the State Liability Act on 20 October 2015
2. No payment
3. Writ of Execution issued at Court on 26 November 2015
4. Writ served by the Sheriff on 1 December 2015 & assets attached and inventory drafted
5. Still no payment
6. The Sheriff will any day arrive at the GHD offices and remove furniture

Furthermore, Austin gives the example of the trial of child Tawana Marasiri who suffered cerebral palsy because of alleged negligence by the Far East Rand Hospital.

It was set down for hearing on 3 March 2016, but three weeks before the trial the department has asked for a postponement as they have not prepared their defense. This is despite the expert opinions that have been given of top paediatric neurological radiologist Professor Andronikou, and maternal and fetal specialist Dr Lou Pistorius.

The delay will cost the department hundreds of thousands of rands because of extra wasted costs, and the family will suffer while they wait for justice.

In the last five years more than R544m has been paid out in medical negligence damages and settlements by the Gauteng health department, which has lost at least 168 court cases over this period.

It is shameful that the department is still not paying court-ordered debts and defending hopeless negligence cases that should be settled speedily out of court.

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