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Dr S Buthelezi

The Director General

DEPARTMENT: HEALTH

Republic of South Africa

Dr A B Xuma Building

1112 Voortrekker Road

Pretoria

By hand

and

By email: dq@health.gov.za /

victor.khanyile@health.gov.za

YOUR REF:

Dr S Buthelezi

OUR REF:

KTD/ 00077183

DATE:

24 June 2022

Dear Dr Buthelezi

RE: NOTIFICATION OF INTENDED LEGAL PROCEEDINGS / 2022 MID-YEAR INTERNSHIP PROGRAMME ALLOCATION

1. We act for and on behalf of the South African Medical Association ("SAMA") and its members who recently qualified in terms of the Health Professions Act 56 of 1974, as amended ("Health Professions Act") and are required to apply for community service and medical internship, as part of the 2022 mid-year allocation cycle..

2. We are instructed as follows:

2.1 The recently qualified members of SAMA ("the members") who intend to apply for community service are required to perform one year of remunerated work and medical interns are required to perform two years of remunerated work at a designated facility where their training will take place.

Conveyancers, Notaries & Trade Mark Agents

Directors: GP van der Merwe (Chairman), SM Jacobs, CA Wessels, N Caine, J Albertse, S van der Merwe, KM Greig, JA Erasmus
JD van Broekhuizen, CN Groenewald, AS van Niekerk, L Gani, KC Cameron, JC Jansen van Rensburg, JB Mayaba, J Naidoo, A Abarder
K Zybrands, KM Thomas, FA Dreyer, T Booyse, DT Vraagom, RM Masolo, K Sehanka, MG Moshoeshe, K Tumba Diong
Consultants: DE Pfaff, T Charters, NA Janse van Rensburg, S Hayat, KF Ussuph, E Deppe T Nwedamutsu
Senior Associates: M Naude, T Rengecas, N Ramcharan, JS Uys, H Verwey, W Gani, T Pharo, A Dhanuk, T Maritz
A Griesel, MI Dube, R Chinner
Associates: T Molaba, KJ Francis, U Ramaifo, SN Mhlongo, N Dembitzer, J Jooste, J van Twisk, ET Sibisi
SL Mahlangu, TNN Molefe, J Kayingo, T Chan Goolam



2.1 The members are required to complete their community service and medical internships at facilities designated by the DOH in order to meet the statutory requirements to register as medical practitioners. In order to commence their community service and medical internships and be allocated to the designated facilities, the members are required to register on the National Department of Health's ("DOH") Internship and Community Service Program's ("ICSP") online system for admission to the community service and internship programme for the 2022 mid-year cycle commencing on 01 July 2022. The ICSP falls under the control, authority and management of the DOH.

2.2 The members are eligible to apply to register on the ICPS in terms of the Health Professions Act and other applicable Acts, having met all the necessary statutory requirements.

2.3 On 30 May 2022, an alert appeared on the DOH's ICSP website which stated as follows:

"...Please note that the Midyear cycle application for Community Service and Internship is not yet open for application. We will update the information site as soon as possible with the relevant information of when the system open for application"

2.4 On 22 June 2022, the DOH informed SAMA and undertook that the ICSP will be open and accessible to the members before midnight on 22 June 2022.

2.5 As at 13:00 on 24 June 2022, the DOH's ICSP website stated the following:

"2022 Midyear Cycle Application – NOT OPEN YET

Please note that the Midyear cycle application for Community Service and Internship is not yet open for application. We will update the information site as soon as possible with relevant information of when the system does open for application.

Note:

1. *Applicants will not be able to register or verify their information until the system is open for application.*
2. *....."*

2.6 The members have not been able to register or verify their information for the 2022 mid-year cycle due to the unavailability of the ICPS. There is no other way for the members to register or verify their information in order to commence their medical internships and community service on 01 July 2022.

3. Despite having a legal and constitutional duty to register, verify, enrol and allocate the members as interns and community service doctors in the 2022 mid-year intake, which begins on 1 July 2022, the DOH has failed and/or refused to make the ICPS system available for registration, preventing the members from starting their internship or community service.
4. In light of the above, we are instructed to demand that the DOH:
 - 4.1 Immediately make the ICPS system available to the members for registration and verification of their information;
 - 4.2 Without any further delay allocate the members to their designated facilities in order to commence their internships and community service by 01 July 2022; and
 - 4.3 Immediately provide a written undertaking to our client that the members will not be prejudiced or disadvantaged as a result of the unavailability of the ICPS and any further delays occasioned as a result.
5. We hold instructions to initiate, without further notice to you, urgent legal proceedings and to seek a punitive cost order should the DOH fail to comply with the demand set out in paragraphs 4.1 to 4.3 above by no later than **12h00 on Monday, 27 June 2022**.
6. Our client and the members' rights to claim damages against the DOH and any functionary responsible for the non-availability of the ICPS system and delays occasioned thereby are hereby reserved in full.

Yours faithfully



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Copy to:

THE MINISTER OF HEALTH

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By hand

and

By email: minister@health.gov.za
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And to:

THE HEALTH PROFESSIONS COUNCIL OF SOUTH AFRICA

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By hand

and

By email: education&Training@hpcsa.co.za
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