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## **Business groups set to petition Ramaphosa not to sign NHI Bill into law**

### ***Бізнес-групи мають намір подати петицію Рамафосу з проханням не підписувати закон про НHI***

*Ділові організації країни закликають президента Сиріла Рамафосу не підписувати спірний законопроект про національне медичне страхування (NHI), стверджуючи, що законопроект у його нинішньому вигляді є неконституційним та нереалізованим. Вісім із дев'яти провінцій проголосували за схвалення законопроекту, тоді як Західно-Капська провінція, керована окружним прокурором, проголосувала проти нього. Хоча окружний прокурор заявив, що оскаржить законопроект у суді, якщо С. Рамафоса підпише його, Business Unity SA (Busa) та Business4SA (B4SA) заявляють, що подадуть офіційну петицію президентові з проханням повернути законопроект про НHI назад до Національних зборів для внесення поправок. Бізнес-групи вважають, що законопроект у його нинішньому форматі не лише непрацездатний, нереалізований і недоступний за ціною, а й неконституційний як на матеріально-правових, так і на процедурних підставах. Бізнес-групи висловили глибоке занепокоєння тим, що, незважаючи на внесення законопроекту до парламенту чотири роки тому, не було внесено жодної зміни, незважаючи на критичні відгуки медичних працівників, приватних постачальників медичних послуг та програм медичної допомоги.*

<https://www.news24.com/citypress/news/business-groups-set-to-petition-ramaphosa-not-to-sign-nhi-bill-into-law-20231207>

Business organisations in the country are urging President Cyril Ramaphosa not to sign the controversial National Health Insurance (NHI) Bill into law, arguing that the bill in its current form is unconstitutional and unimplementable.

This comes after the National Council of Provinces (NCOP) on Wednesday voted in favour of the NHI system, which strives to create universal health coverage in South Africa.

Eight of the nine provinces voted to approve the bill, while the DA-governed Western Cape voted against it.

READ: NHI one step closer after NCOP votes in favour of bill

While the DA has indicated that it will challenge the bill in court should Ramaphosa sign it into law, Business Unity SA (Busa) and Business4SA (B4SA) say they will submit a formal petition to the president, requesting that he refer the NHI Bill back to the National Assembly for amendment.

The business groups believe that the bill, in its current format, is not only unworkable, unimplementable, and unaffordable, but it is also unconstitutional, both on substantive and procedural grounds.

Martin Kingston, B4SA steering committee chair, said Busa and B4SA have, throughout the entire NHI Bill legislative process, highlighted the deficiencies in the bill, including those unconstitutional provisions that required clarification and amendment.

Deep concerns have been raised by the business groups that, despite the bill's introduction in Parliament four years ago, not a single change has been made despite critical feedback from medical professionals, private healthcare providers and medical aid schemes.

READ: Mondli Makhanya | NHI: Mzansi, let's not #@%& this up asseblief!

They have also warned that should the NHI be passed into law, the country would require an additional R200 billion in taxes to implement it.

In a statement released on Wednesday, Kingston said:

Our concerns, recommendations, research, data and inputs, as well as those made by a wide range of experts and affected stakeholders, have been summarily ignored by the Parliamentary Portfolio Committee on Health and the NCOP, which are legally mandated to ensure that the NHI Bill passes constitutional muster and is properly configured to give healthcare the best possible chance of success.

“No amendments were made at all, including those suggested by the department of health itself, which is deeply concerning for our country and democracy.”

Kingston said the consequences of passing this bill, unamended, would be devastating for the country.

It will materially delay access to universal health coverage, lead to disinvestment in the healthcare sector, further damage our already fragile economy and create significant risks for the country in terms of the quality, management and governance of healthcare.

He said Busa and B4SA would, in their petition to Ramaphosa, specifically raise flaws in areas of the legislative process and substance of the bill that they believed were unconstitutional.

Regarding the procedural constitutional aspects, the organisations argue that Parliament's evaluation of the socioeconomic impact of the NHI Bill was insufficient. They believe that the National Economic Development and Labour Council process related to the bill was not adhered to, public participation inputs were not adequately taken into account and numerous valuable suggestions from businesses and other stakeholders were disregarded.

READ: Billions needed for NHI – but what about maintaining it?

In terms of the substantive constitutional flaws in the NHI bill, they raised concerns over section 33, which gives the health minister unfettered power to determine the restricted role for medical schemes.

This is damaging to the private health sector as a whole, and there is no rational basis for this approach. This clearly introduces significant concentration risk due to the single fund model and adverse impacts both on people's ability to seek care in the private sector and on the overloading of the public sector.

“The proposed amendments only seek to allow for the role of medical schemes to be determined in a consultative process in measured phases in a manner that is consistent with the policy objectives. It is bewildering that this constructive and supportive approach has been rebuffed.”

