

"The NHI Bill is going to be introduced and signed into law whether they like it or not" - Ramaphosa

 By [Katja Hamilton](#) 15 Jan 2024

In his [January 8th Statement](#) during the ANC's 112th anniversary rally President Cyril Ramaphosa said - in spite of the huge opposition to it - the NHI Bill "is going to be introduced and signed into law whether they like it or not".



Source: Reuters.

This is despite it being [contended](#) that the passing of the Bill by both the National Assembly and the National Council of Provinces (NCOP) constitutes a constitutional flaw.

Ramaphosa was speaking to a packed Mbombela Stadium in Mpumalanga on Saturday, 13 January 2024.

The NCOP, which is ANC dominated, officially passed the NHI Bill on 6 December 2023, and is currently with the president waiting to be signed into law. The NHI Bill was adopted by all provinces except the Western Cape, making it the sole province to vote against it.

Provincial Premier Alan Winde [has asserted](#) that President Cyril Ramaphosa should reject the Bill. and contends that - in its current form - it cannot be signed into law.

"We, as a provincial government, wholly subscribe to the objectives of Universal Health Coverage (UHC) and for the development of a mechanism that allows for greater allocation of resources from both public- and private sectors so that the health needs of the population can be equitably addressed and financial hardship is removed at the point of contact. This is what the NHI Bill intends to achieve.

"The current iteration of the Bill will only change how money is spent without addressing the challenges which the health system is facing. As such, we strongly believe that it will not achieve the UHC which our residents deserve - and that it requires substantial amendment," [Winde said](#).

Opposing the Bill's hasty development

The Western Cape Government (WCG) noted that comments and recommendations were not sufficiently taken into account in the final committee vote and therefore, it urges President Ramaphosa to refer the National Health Insurance (NHI) Bill back to the committee for further consideration.

to National Assembly for reconsideration.

"Since its inception, the development of the NHI Bill has been marred by haste and, more importantly, a lack of consultation with all stakeholders. When the Bill was first introduced, it was rushed through Cabinet before the National Health Council platform constituted by the National Minister, MECs and HODs of all provinces – had an opportunity to deliberate the matter. The WCG [aired](#).

Wide support for review

Organisations that have urged President Ramaphosa to refer the National Health Insurance (NHI) Bill back to National Assembly for reconsideration include The South African Health Professionals Collaboration (SAHPC) - a newly formed national group of nine medical and allied healthcare practitioners' associations representing more than 25,000 dedicated private and public-sector healthcare workers.

It, too, has urged the NCOP plenary to send the Bill back to the Committee on procedural grounds.



NHI

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Moreover, Business Unity South Africa (Busa) and Business for South Africa (B4SA) have written to the presiding officer of the NCOP as well as to the deputy president, in his capacity as leader of government business in Parliament, to [register their deep concern](#) regarding the lack of due process in the NCOP select committee on health- and social services on their adoption of the NHI Bill without any amendments.

[Petitioning](#) the President to withhold assent of the Bill on constitutional and procedural grounds is the Health Funders Association (HFA) which says it intends to take the matter to the Constitutional Court if need be.

Legal preparedness

"We have taken a strong stand by respectfully urging the President to withhold assent of the Bill, citing constitutional and procedural concerns that pose a significant threat to the integrity of the country's healthcare system," HFA chairperson, Craig Comrie said.

"Should the need arise, the HFA is prepared to escalate the matter to the courts. Our goal is to meticulously align the legislation with the authentic objectives of Universal Health Coverage and the principles enshrined in the South African Constitution.

Business Unity SA (Busa) and Business for SA (B4SA) has highlighted that should the NHI Bill be implemented, the government will need to raise an extra R200bn in tax revenue to finance the National Health Insurance (NHI). It based its findings on a tax-impact analysis conducted by FTI Consulting.

"It is unaffordable, and we are calling on the President to return the Bill to Parliament to further consultations. It doesn't help to pass a Bill, sign it into law knowing it is going to be tied up in court for years," Winde said.

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