

Healthcare Funders ask for Ramaphosa's NHI court records

By **SINESIPHO SCHRIEBER**

The disclosure of records to trace President Cyril Ramaphosa's steps in approving the National Health Insurance (NHI) Act could clarify whether he followed all legal requirements before signing the contentious bill into law, the Board of Healthcare Funders (BHF) said yesterday.

The act has been a focal point in the government of national unity tenure, The DA has been pushing against its implementation, while the ANC's alliance partners, the SACP and Cosatu, have formed a guard to make sure the act is implemented.

The NHI aims to achieve universal health coverage for all South Africans. Its opponents argue it is premature and unconstitutional as it restricts freedoms related to healthcare access and lacks clear assurances for medical professionals about their future roles.

In its submission to the high court in

Pretoria, the board queried whether the president properly applied his mind before appending his signature. BHF represents the interests of more than 40 medical schemes and administrators covering 4.5-million beneficiaries in SA.

Ramaphosa signed the NHI Act into law on May 15 2024, which caused a stir weeks before the general election. The act has since been contested by companies providing private healthcare services, as well as analysts and opposition parties.

In its court papers, the BHF questioned whether the president considered dissenting views or simply ignored these.

Section 79(1) of the constitution reads: "The president must refer any concerns about the bill's constitutionality to the National Assembly for reconsideration."

BHF believes the matter should have been further deliberated in parliament before it was signed into law. "The BHF and many other industry stakeholders advised the president that the NHI Bill was unconstitutional for multiple reasons and

requested the president to remit the matter back to the National Assembly for reconsideration," its court papers said.

This is the main reason the BHF wants Ramaphosa's full records to be disclosed in court to trace his steps before signing the bill.

"The record is expected to reveal the submissions received by the president (including by government departments), which advised that the NHI Bill was unconstitutional, at least in part. It will show how the president handled these submissions," BHF court papers read.

"Crucially, the record should clarify why, despite receiving these submissions, the president still assented to and signed the bill, explaining his disagreement with the concerns raised."

Ramaphosa's legal team argued the case at heart was a constitutional case and should be heard by the apex court and not the high court. However, the BHF opposed this view saying: "The president's stance is wrong. The high court has jurisdiction.."