



## NHI Draft Bill Daily Analysis

The NHI Draft Bill was published in Government Gazette 41725 on 21 June 2018. The South African Private Practitioners' Forum will be sharing an analysis of the Draft NHI Bill with members, highlighting issues of importance and concern.



## NHI Draft Bill – Day 5 Excerpt from the Draft Bill

### “Eligibility as beneficiaries of Fund

7. (1) The Fund must, in consultation with the Minister, purchase comprehensive health service benefits on behalf of-

- (a) South African citizens;
- (b) persons who are permanently resident in the Republic;
- (c) the dependants of persons referred to in paragraphs (a) and (b);
- (d) children over the age of 12 and below the age of 18; and
- (e) all inmates as provided for in section 12 of the Correctional Services Act

7. (2) Refugees, and asylum seekers who have not been granted refugee status as defined in the Refugees Act, have the right to-

- (a) emergency health care services;
- (b) services for notifiable conditions of public health concern; and
- (c) paediatric and maternal services at primary health care level.”

## Analysis

Section 27 of the Bill of Rights in the South African Constitution states that:

- (1) Everyone has the right to have access to—
  - (a) health care services, including reproductive health care; and

- (2) The state must take reasonable legislative and other measures, within its available resources, to achieve the progressive realisation of each of these rights.

Section 27 does not specify that all the groupings contained in 7(1) of the NHI Draft Bill “...have the right of access to health care services...”, it specifies, “EVERYONE has the right to have access to health care services...”.

Excluding refugees and asylum seekers from comprehensive healthcare could potentially be in violation of the Constitution by the NHI Fund. There is no reference whatsoever to the healthcare cover for immigrants outside of refugees and asylum seekers, effectively excluding them from their Constitutional Right to Healthcare.