

Parliament to study legality of NHI Bill Business Day, 16 August 2019

PARLIAMENT'S health committee will request a meeting with the state attorney to discuss concerns around the constitutionality of the National Health Insurance Bill. The bill, which was tabled in parliament late last week, will effect far-reaching health reforms aimed at achieving the government's ambition of providing universal health coverage. The proposed legislation will have to be considered by both the National Assembly and the National Council of Provinces, and go through public consultation before being implemented. Earlier this week, the DA said it doubted the bill would pass constitutional muster and asked parliament to seek a comprehensive legal opinion. DA leader Mmusi Maimane said the bill and the system it proposes would diminish the constitutionally enshrined rights of provincial legislatures to legislate on healthcare. It appears that the bill proposes a system that provinces will not be able to opt out of. Maimane said health services, as defined, will be bought and determined at national level, with the Minister of Health effectively becoming the single authority over the health sector. Yesterday, Sibongiseni Dhlomo, who chairs Parliament's health portfolio committee, said it will be important for the committee to hear from the office of the state attorney about the legal advice provided to the government regarding the constitutionality of the reforms. He said that as the committee starts this process, its members want to address the concerns raised by various people, including those who think they will find space to challenge the constitutionality of the bill. The committee will request a meeting with the state attorney, so that all members of the committee can be informed about the legal concerns that have been widely reported.