

Court ruling bolsters NHI's recruitment drive ahead of pending Bill approval

The National Health Insurance (NHI) branch has initiated a recruitment drive - aiming to fill 44 vacancies within its division. This, despite the NHI Bill remaining unsigned into law.



Source: [Pexels](#)

The decision to fill these vacancies - which include the posts of five chief directors and technical specialists - was legally contested by SA trade union, Solidarity this week.

It argued that the NHI should be established only after the NHI Bill has been signed into law by President Cyril Ramaphosa.

The case reached a head when The Gauteng High Court overruled Solidarity's argument.

A media statement released by the Department of Health, highlighted The Gauteng High Court's constitutional authority granted to the Minister of Health to "develop and implement national policies deemed critical to improve healthcare delivery to achieve a long and healthy life for all South Africans".

The court drew attention to Section 85(2) of the Constitution, the National Health Act of 2003 (Act 61 of 2003) and Section 3(1) which provides that the Minister must, within the limit of available resources, "determine the policies and measures necessary to protect, promote, improve, and maintain the health and wellbeing of the population".

The court found that the establishment of the NHI branch, as part of the department's organisational structure, does not amount to the implementation of a Bill.

"The functions of the branch remain relevant for any health system in the world, public or private," the department noted.



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Daniel Steyn 2 Feb 2024



"Thus, the creation of these critical posts responsible for, among others, health-products procurement, health-care benefits and provider management, health-system digital information, risk- and fraud management, and user- and service-provider management, are part of broader health-system strengthening."

Budget boosts NHI rollout

The court ruling paves way for the department to prepare for the rollout of NHI. To this end, Treasury [has allocated](#) the health sector R848bn over the Medium Term Expenditure Framework this year with at least R1.4bn directed to the National Health Insurance (NHI).

"These allocations include R11.6bn to address the 2023 wage agreement, R27.3bn for infrastructure, and R1.4bn for the NHI grant over the same period," Finance Minister, Enoch Godongwana said in his 2024 Budget Speech.

He said government is working on setting up a national health information system and digital patient records; and improving health facilities to meet quality standards for contracting under NHI. Plus, it is strengthening facility and district management, considering giving more independence to central hospitals, and setting reference prices and payment methods for hospitals.

- The National Council of Provinces (NCOP) 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 [contends](#) that the Bill was hastily approved by Cabinet without adequate consultation with the National Health Council, urging President Ramaphosa to send it back to the National Assembly for further review.

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