

30 May 2024

Dear Members

A request for contributions to the legal challenge of the NHI Bill

The NHI Bill was signed into law by the President on Wednesday 15th May. SAPPF has for many years been very vocal about objecting to this Bill and have submitted documents to the Parliamentary Portfolio Committee on Health (PCH) as well as a verbal presentation to the PHC. We also made a submission to the National Council of Provinces.

We formed the South African Health Professionals Collaboration (SAHPC) which is made of 9 groups representing about 25 000 HCPs. This collaboration addressed a document, which was prepared by Edward Nathan Sonnenberg Attorneys, directly to the President in December 2023. This document highlighted all the constitutional problems with the Bill and requested the President to apply his mind and refer the Bill back to Parliament for review.

From the morning of Tuesday 14th May I have been outspoken on many media platforms about our objection to the Bill and it is clear that we need to proceed with a legal challenge of the Act.

We have various options in our approach to this challenge but the two main reasons would be:

- 1) Many aspects of the Act are potentially unconstitutional. One avenue specifically relates to us as HCPs and that could be a constitutional rights-based challenge founded in section 22 of the Constitution (the freedom to choose a profession)
- 2) Challenge the Act on procedural fairness (i.e. the adequacy of the public consultation process followed).

We are working hard to have the other groups represented on the SAHPC join us in this challenge so that we present a united front. To drive this, SAPPF has appointed Webber Wentzel Attorneys (WW) to represent us and the WW team will be led by Prelisha Singh and supported by Martin Versfeld. They have retained Senior Counsel and are starting the preparatory work on the first draft of our heads of argument.

Webber Wentzel has provided us with a detailed cost estimate of the process including the prep work, the litigation and use of their in-house media team to develop our challenge. The figure is substantial at around R 5 million excluding the cost of Senior Counsel.

This is going to be a long process and one that we are going to have to be well prepared to finance. If we are successful in developing a unified approach then the legal costs can be shared between participating groups.

Executive: SA Strachan (CEO)

*Directors: CA Joseph, PJ Matley (Chairman), J Talma (all from the Surgical Division)
A Kok, YD Kara, M Talatala (all from the Consulting Division)
PR Cole (Pathology), G Naidoo (Optometry), RJ Tuft (Radiology)*

The SAPPF Board has approved that I request contributions for this challenge from the SAPPF membership. The amount of R1000 (one thousand rand) per member is requested. This would be best provided as a sponsorship from each group.

A designated bank account will be opened where all the money will be deposited and accounted for separate from all other funds. Please consult with your group exco as necessary and let me know as soon as possible of your group's willingness and ability to provide these funds on behalf of its members.

This is a huge undertaking and one we will not manage without full participation of all SAPPF member groups. I urge you to participate and look forward to your positive response.

Regards



Dr Simon Strachan
CEO SAPPF