

Health Funders Association Welcomes NHI Pause and Calls for Renewed Partnership with Government on Healthcare Reform

The Health Funders Association (HFA) strongly welcomes the consent order granted in the Gauteng Division of the High Court, Pretoria, which secures a critical pause on the implementation of the National Health Insurance (NHI) Act. By mutual agreement, the President has formally undertaken not to proclaim any provisions of the Act, and the Minister of Health has committed to halting its implementation, pending the Constitutional Court's upcoming judgments in the public participation challenges.

The public participation challenges, unlike the HFA's court challenge, do not challenge the substantive provisions of the NHI Act. Instead, they contend that Parliament failed to comply with its constitutional obligation to facilitate adequate public involvement before passing the legislation. The Constitutional Court has set those matters down for hearing from 5 to 7 May 2026. Until judgment is delivered, the consent order ensures that the NHI Act is not implemented.

We regard this as an important and constructive step that creates space for meaningful engagement, collaboration and partnership to shape the future of a South African healthcare system that truly works for everyone.

The need to fundamentally reform South Africa's healthcare system is beyond dispute. The HFA unequivocally supports Government's objective of achieving universal health coverage and ensuring that all South Africans can access quality healthcare without suffering financial hardship. Our opposition has never been to healthcare reform itself. It has been to the specific irrational model contained in the NHI Act, which inflicts severe harms that would undermine and collapse the very healthcare system it seeks to strengthen.

Importantly, the pause in implementation of the NHI Act secured by the consent order in no way prevents urgently needed improvements within the public healthcare sector. Strengthening public healthcare facilities, investing in training healthcare personnel, improving governance and accountability, and expanding access to quality primary healthcare services do not require the NHI Act to be in operation. The Minister of Health retains his full mandate and authority to drive these critical improvements forward immediately. The HFA stands ready to immediately support practical measures to strengthen public healthcare.

By consent of the parties, the High Court has stayed the HFA's and the other direct challenges to the constitutionality of the NHI Act until after the Constitutional Court has delivered judgment in the public participation matters. The order also defers indefinitely the Minister's application to consolidate the various constitutional challenges into a single case.

The President's undertaking not to proclaim any provision of the Act, coupled with the Minister's undertaking not to implement it in the interim, provides an opportunity for a more constructive and solutions-oriented process going forward.

The HFA embarked on litigation only as an absolute last resort, having engaged in good faith for more than a decade through detailed submissions, technical proposals, and broad engagement from across the health sector – concerns which were not adequately reflected in the final legislation. We welcome today's development as a foundation for enhanced constructive engagement with Government and all stakeholders.

However, our focus remains firmly fixed on the future. South Africa does not have to choose between a broken status quo and an unworkable NHI Act. The HFA is ready to work with Government and all stakeholders to develop a sustainable pathway towards universal health coverage. We believe South Africa's solution lies in harnessing the strengths of both the public and private health systems in a collaborative and pragmatic manner. The HFA will continue to table constructive, evidence-based proposals through the appropriate forums in support of this goal.

The HFA has already proposed a hybrid NHI model designed to advance universal health coverage while mitigating the financial and operational harms associated with the current NHI Act. A central element of this proposal is a primary healthcare option that can be implemented immediately, extending affordable, funded healthcare cover to millions of working South Africans who currently fall within the so-called "missing middle".

We commend the constructive approach taken by the President and the Minister in agreeing to these undertakings and to a consensual and binding court order that provides the nation with much needed clarity pending the Constitutional Court's judgments, and paves the way for a more collaborative, solutions-oriented dialogue. We will use this interim period to continue tabling constructive, evidence-based proposals, fully committed to forging a sustainable and equitable pathway toward Universal Health Coverage for all South Africans.

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