

Freedom Foundation & Izwe Lami

8 Riley Road
Bedfordview
Johannesburg 2007
Email: info@freedomfoundation.co.za



Media Release

For Immediate Release – 09 June 2025

Governance or Gatekeeping? Freedom Foundation Calls for Revisions to NHI Fund Draft Regulations

FOR IMMEDIATE RELEASE
Johannesburg | June 2025

The Freedom Foundation has submitted a formal objection to the Draft Regulations on the Governance of the National Health Insurance (NHI) Fund, warning that the current framework risks replacing public service with political control eroding both constitutional safeguards and healthcare access in the process.

“There is a fundamental difference between caring for all and controlling all,” said Leon Louw, founder of the Freedom Foundation. “This proposal conflates the two.”

The Draft Regulations, issued by the Department of Health, claim to formalise the structure of the NHI Fund as part of South Africa’s universal healthcare rollout. Rather than clarifying operations or improving access, the regulations centre almost entirely on how the Fund’s Board and Advisory Committees are appointed leaving critical questions of funding, delivery, and oversight unanswered.

The Freedom Foundation argues that what is presented as regulatory reform is in fact, the legal codification of ministerial patronage. The Minister of Health retains unchecked power over key appointments, with no requirement for independence, expertise, or transparency.

According to the submission, the absence of financial modelling or socio-economic analysis renders the Draft Regulations not only incomplete, but irresponsible. The proposal lacks clarity on how the Fund will be financed, what services it will cover, or when its promises will materialise. In the words of Finance Minister Enoch Godongwana, there is ‘no NHI budget’, a reality ignored by the drafters.

“The NHI is being built on bureaucratic ambition, not economic reality,” said Louw. “It will collapse under the weight of its own vagueness.”

The Foundation further notes that the NHI prohibits people from contracting outside the Fund. There are no mechanisms for voluntary participation, parallel services, or private opt-outs.

South Africans, especially the poor will be forced into a one-size-fits-all system that criminalises healthcare choice.

“This is not how democracies treat citizens,” Louw added. “We should be making it easier, not harder, for people to seek care in whatever form they trust.”

The Freedom Foundation’s position is grounded in the Constitution, which affirms the right to bodily integrity (Section 12), the right to access healthcare (Section 27), and protection against arbitrary deprivation of property (Section 25). Any framework that prohibits private access, restricts professional autonomy, or forcibly centralises infrastructure without compensation is, in the Foundation’s view, unconstitutional.

As the Minister of Finance himself admitted during his budget speech: “Working in a public hospital with way too few resources punches you in the gut every day... Where waiting times for a scan are months long and surgery delays let disease progress to the point of being inoperable.”

The Foundation believes that no one should be forced to rely solely on this system and that anyone who wants to pay for faster or alternative care should be free to do so.

The Freedom Foundation is calling on all South Africans including policymakers, civil society, healthcare professionals, and patients to demand a redrafting of the regulations. Real reform must prioritise freedom of choice, decentralised governance, and economically viable models of care.

“The question is not whether the NHI is perfect,” said Louw. “The question is whether people should be allowed to choose. In a democracy, the answer must be yes.”

ENDS

For interviews and further information:

Contact:

Jayne Boccaleone

Email: info@freedomfoundation.co.za

Phone: +27 67 401 8589

About Freedom Foundation:

The Freedom Foundation is a non-partisan, non-profit organisation dedicated to promoting economic freedom, individual liberty, and accountable governance in South Africa. Through research, advocacy, and public engagement, we fight for policies that limit government overreach, encourage free markets, and protect the rights of all South Africans.