

[Association for the Protection of Road Accident Victims](#)

What is the 'bottom line' on the proposed RABS Bill ...

The **benefits** and requirements of RABS are totally inconsistent with the nature and character of the South-African road accident victim and **falls way short of the ideal of providing the "widest possible cover"**.

RABS will be a complicated and costly system fraught with disparities that would leave the South African road accident victim totally destitute and dependent on the State and will lead to countless court cases chipping away at the unconstitutional cornerstones of RABS.

The fact that the functionality of RABS is greatly dependent on NHI makes any prospects of **implementing such a system before NHI is fully operational, premature and highly irresponsible** and will prove very costly.

The **constitutional issues** raised in RABS will be in direct contrast to the ANC Lekgotla *"the ruling party wanted to make sure that all laws that were tabled, debated and passed by both houses of Parliament were in line with the Constitution"*.

The fact that the administrator is only accountable to the Minister and himself will leave the **victim vulnerable to being denied compensation without any sanction or recourse** as is currently experienced with the RAF on the road campaigns.

APRAV Comment: There is a better more effective and cost saving alternative that can be found in innovative thinking, involving all the relevant stake holders which would ultimately lead to better benefits being awarded to the road accident victim.



Averages on fatal motor vehicle incidents

- \pm 10 845 per year or
- \pm 29.7 per day or
- 1 every 48 minutes

“For ‘Joe’ RABS is just not going to help”

Scenario 1 - If Joe was a 5 year old who was left quadriplegic, neither Joe nor his parents will be able to access any benefits until Joe turns 18.

Scenario 2 - If Joe was a final year graduate student and left incapacitated after a motor vehicle accident he would be regarded as an unemployed person and his income benefits would be based upon the annual national income without the prospect of having his academic history and/or prospective income into account.

APRAV Comments:

- The introduction and implementation of RABS is "sugar coated" with the prospect of more victims having access to benefits based upon a no fault system and the fact that you **will be forced to supplement your ‘road use risk’/claim with personal insurance.**
- Truth is **most road users do not have the financial means to afford insurance.**
- **The fact that “no fault” applies does not automatically grant you access to RABS benefits nor does it mean that you will be compensated in full.**

Who supports APRAV?

- The South African Medico-legal Society
- The Occupational Therapy Association of South Africa
- The South African Orthopaedic Association
- The South African National Tax Council
- Industrial Psychologists in the medico-legal industry



Current Activities!

1. Finalising a Request for Information to the RAF to the Access to Information Act.
2. Interacting with the Parliamentary Portfolio Committee on Transport
3. Attending the RAF CEO RABS Bill presentation to the Parliamentary Portfolio Committee 9 September 2014
4. Gathering national statistics on claimants
5. Launching a national public awareness campaign
6. Creating a platform for RAF claimants to share ‘their stories’
7. Expanding the coordination, alignment and input across the various industry bodies involved
8. The [APRAV Solutions Task Team](#) have been working on comments on the RABS Bill, alternative solutions

and APRAV's response to the request for comment

Solutions Task Team

Professor Hennie Klopper is leading APRAV's Solutions Task Team composed of experts from various relevant fields.

Head:	Emeritus Professor Hennie Klopper, University of Pretoria (UP) (Author of <i>Law of Third Party Compensation</i> and <i>RAF Guide</i>)
Researchers:	Ms Elzeth Jacobs (Occupational Therapist) Ms Rounah Marobane (Attorney) Ms Karen Jearling (Industrial Psychologist)
Technical Advisors:	Dr H.B. Enslin (Orthopaedic Surgeon) Ms Adri Roos (Occupational Therapist and Occupational Therapy Association of South Africa Coordinator) Mr Caleb Dredgee (Attorney) Mr Waldo Snyman (Attorney) Mr Ngoako Mohlaloga (Government Liaison Expert) Dr Herman Edeling (Neurosurgeon and South African Medico Legal Society Coordinator) Mr Pieter De Bruyn (APRAV Coordinator)

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