

THANK YOU FOR BEING PART OF FINDING SOLUTIONS FOR THE RAF



Working Group 1
MEDICAL /
HEALTHCARE ASPECTS



Working Group 2
FUNCTIONING & PROCESS
IMPROVEMENTS
(interaction with RAF &
RAF internally)



Working Group 3
SETTLEMENTS &
LITIGATION



Working Group 4
RAF ACT &
REGULATIONS
AMENDMENTS



Working Group 5
FINANCIAL
IMPLICATIONS
(RAF budget & Fuel levy)



OVERSIGHT & PEER
REVIEW PROCESS



STAKEHOLDER MANAGEMENT
(Interaction with Gvt &
Department of Transport)



COMMUNICATION
PR & Information
management

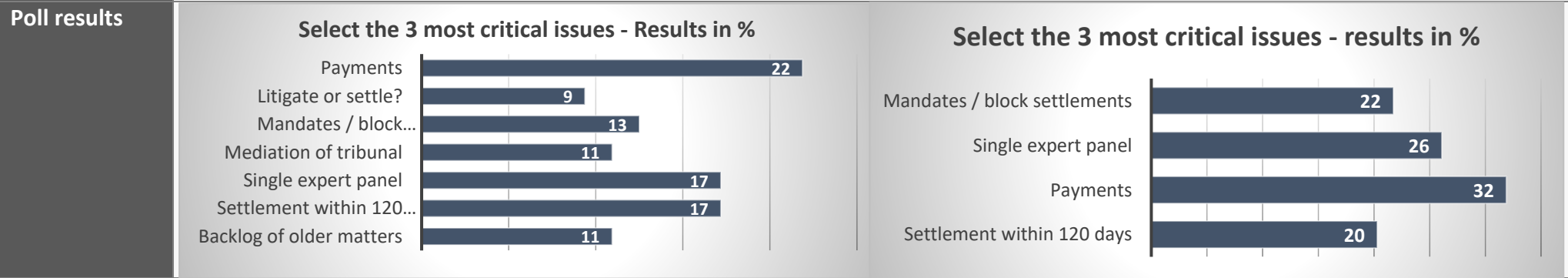


GROUP 1	Medical / Healthcare aspects National coordinator - Dr Herman Edeling (Neurosurgeon & Head of APRAV Medical Task Team)	1 st Session 20 July	Dedicated email SolutionsGroup1@aprav.co.za												
Setting the scene - current issues	What happened during the past year or two? <ul style="list-style-type: none"> • Change of Thinking and Methodology (2020) • The influence of COVID-19 (2020 and beyond) • Rule 41A Mediations • SAMLA-RAF Mediation Pilot Project 														
List of burning issues	<ol style="list-style-type: none"> 1. Access to treatment – Medical/Surgical (Emergency, Follow-Up, Complications, etc.) 2. Access to treatment – Psychological (Primary & Secondary Psych Harm) 3. Access to Rehabilitation (Return to Economic Productivity) 4. Access to Protection and Case Management (Disabled Persons) 5. Medico-Legal Evaluation and Reporting (RAF1, RAF 4, Narrative test, Appeal tribunal, etc.) 6. Legislative Reform (Comprehensive Healthcare-Related) <p>A sub-stream was formed for each of these six issues.</p>														
Poll results	<p>Participants voted for the sub-streams that they want to participate in, and sub-stream-leaders were selected.</p>	<div style="text-align: center;"> <p>% volunteers per sub-stream</p> <table border="1"> <thead> <tr> <th>Sub-stream</th> <th>% of Volunteers</th> </tr> </thead> <tbody> <tr> <td>Treatment – Psychological</td> <td>12</td> </tr> <tr> <td>Rehabilitation</td> <td>23</td> </tr> <tr> <td>Protection and Case Management</td> <td>15</td> </tr> <tr> <td>Medico-Legal Evaluation and Reporting</td> <td>38</td> </tr> <tr> <td>Legislative Reform</td> <td>12</td> </tr> </tbody> </table> </div>		Sub-stream	% of Volunteers	Treatment – Psychological	12	Rehabilitation	23	Protection and Case Management	15	Medico-Legal Evaluation and Reporting	38	Legislative Reform	12
Sub-stream	% of Volunteers														
Treatment – Psychological	12														
Rehabilitation	23														
Protection and Case Management	15														
Medico-Legal Evaluation and Reporting	38														
Legislative Reform	12														
Progress / Next phase	<p>Dr Edeling already met with all the sub-stream leaders on 3 August. Sub-stream leaders are currently in contact with everyone that volunteered to participate in the specific focus areas. The next meeting to provide feedback on progress is scheduled for the third week in August. Dr Edeling reports: “The groups are preparing concise recommendations for rational and practical interventions that can be implemented in the short-term, as well as longer term recommendations for legislative reform. The concise recommendations will be motivated by more extensive supporting documentation.”</p>														

GROUP 2	Functioning & Processes (RAF & RAF internal) National coordinator - Durell de Jong, Attorney	1 st Session 22 July	Dedicated email SolutionsGroup2@prav.co.za
----------------	--	------------------------------------	---

CURRENT SITUATION (COVID-19)	<ol style="list-style-type: none"> LODGEMENTS - Rotating with only one-third of staff in-office, the RAF is still not fully functional. Claims are lodged to email addresses. SUMMONSES - Courts issuing few summonses on CaseLines. Since lockdown, RAF seemingly not serving notices of intention to defend. Durban RAF not defending -trying to extend dies, assess files and settle. Failing this, claims team needs management approval to appoint an attorney. Judge Hughes ordered: the RAF cannot use attorneys (only panel from Mar to Dec). To date, none of these firms received mandates. SETTLEMENTS - The RAF settled most trial matters May - July. What has been your experience in this regard? PAYMENTS - Some firms received payments. The RAF Stakeholder letter (25 June) states that only critical services will be paid (Jun- Aug). COMMUNICATIONS – Minimal communication since lockdown - 25 June letter covered departmental organograms, team leaders, claims handlers and lodgement and queries email addresses. The ACEO’s 22 June webinar gave an overview of values and promised to clear the old claims backlog. Trial matters until year end will require collaboration between RAF and Plaintiffs to get matters ready for settlement.
-------------------------------------	--

PROPOSED NEW MODEL	<ol style="list-style-type: none"> LODGEMENTS & 120 DAYS – The proposed 120-day settlements may not be possible if the claim is not lodged in completeness. This may affect the practitioner’s normal method of seeing to lodgement and summons as soon as possible to avoid prescription of the claim. EXPERTS - To reduce legal costs, inconclusive assessments will lead to the regional offices opting for single expert appointments. SUMMONSES - The RAF wants in-house or state attorneys to defend where settlement is not reached. Our view is that summonses should be defended and proceed with the normal litigation course. Victims’ access to court should not be obstructed. SETTLEMENTS - Claims handlers / attorneys need mandates to ensure successful block settlements – feedback needed on this structure. RAF will recruit 100 attorneys to work with the Solicitor General’s office. Specialised focus to expedite finalisation of the claims backlog - a 3-year project. MEDIATION OR TRIBUNAL? - During the ACEO webinar, he stated considering a tribunal for dispute resolution rather than mediation. PAYMENTS - The RAF’s internal processing of payments is not efficient, as details are often not given through from claim’s handler level to the Regional offices and then to treasury, in order to validate the RNYP lists – this needs re-thinking.
---------------------------	--



Progress / Next phase	Durell is in the process of organising the tactics of how the four sub-streams for this working group will function. 1. Mandates / block settlements 2. Single expert panel 3. Payment 4. Settlement within 120 days. First phase of feedback will be reviewed at the end of August.
------------------------------	--

GROUP 3	Settlement & Litigation National coordinator - Kirstie Haslam, Attorney	1 st Session 29 July	Dedicated email SolutionsGroup3@prav.co.za
----------------	---	------------------------------------	---

The landscape of RAF litigation in recent years

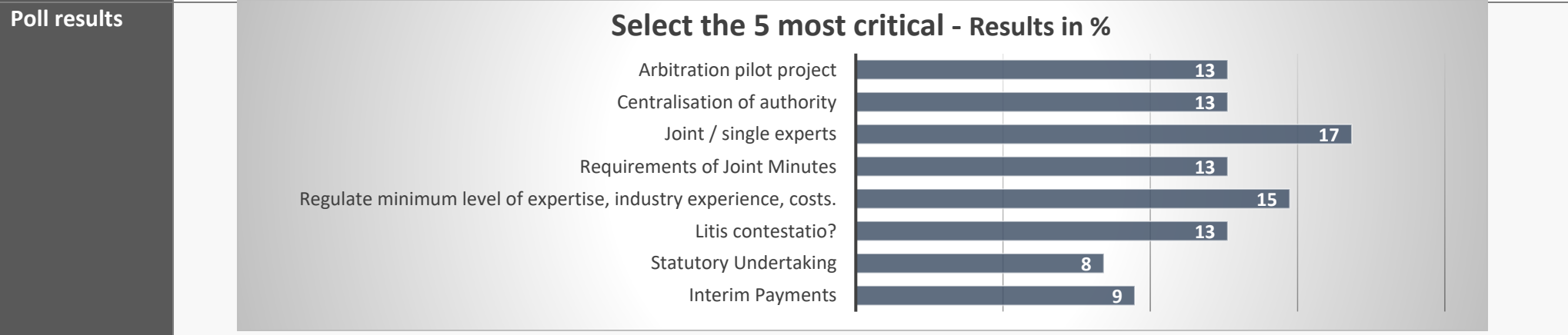
- **Persistent failure to resolve / limit issues during the 120-day post-lodgement period**
- **Geographical bias:** RAF branches & Courts
- **Increasing hurdles posed by Court directives obstructing access to justice**
- **Systemic failures:** Obstructive attitude to resolving liability | Timeous acceptance / rejection of seriousness of claimant’s injuries | Block settlements not being achieved | Overburdening of Court Rolls
- **Legal costs ballooning:** “Like-for-like” instructions of experts | What makes an expert an expert? | Delays in instructing experts & specific authorisation re: Joint Minutes | Failure to meaningfully engage in pre-trial settlement negotiations | Failure to make timeous tenders | Failure to prepare for trial resulting in trial date capitulation OR dilatory tactics resulting in punitive costs

The COVID-19 crisis

RAF not an essential service | 4 months post-lockdown RAF still not functioning meaningfully | Lack of infrastructure to allow for remote working | Compounding impact of withdrawal of panel attorneys’ mandates | Limited access to Court | Settlements significantly reduced nationwide | Impact of lockdown on fuel levy and RAF’s ongoing cashflow crisis | Taxations indefinitely delayed

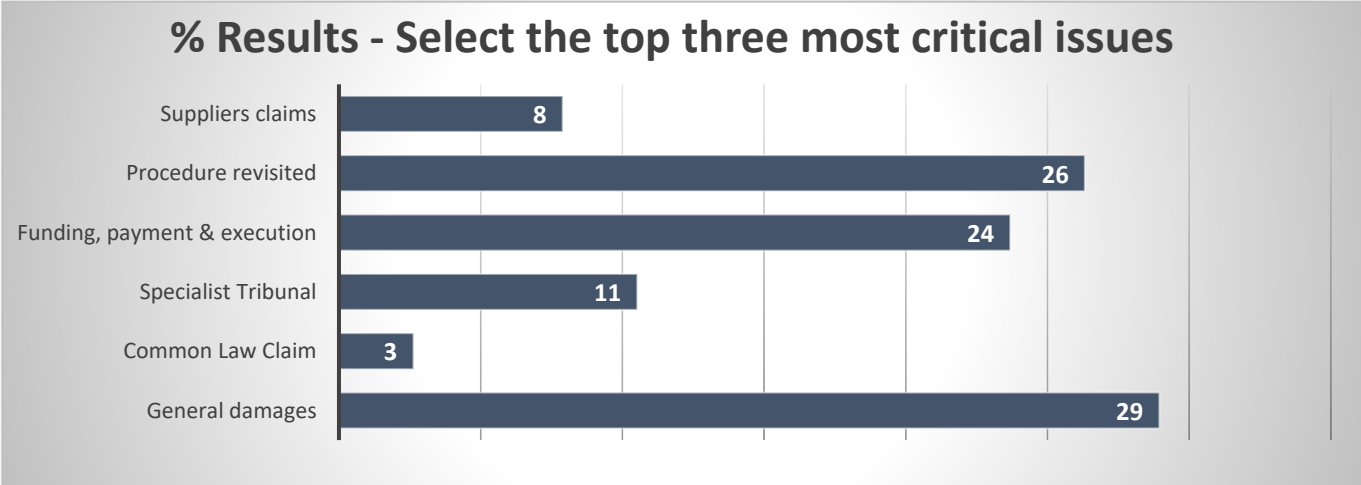
Burning issues list

1. **Early resolution of liability:** Interim Payments and Statutory Undertaking 2. **Rule 41A Mediation:** Litis contestatio? 3. **Experts:** Lack of regulation of minimum level of expertise / industry experience, costs | Not meeting Joint Minute requirements (“agree to disagree” phenomenon) | Joint / single experts 4. **Centralisation of authority (branches limited mandates)** 5. Arbitration **pilot project – time for a revival?**



Progress / Next phase

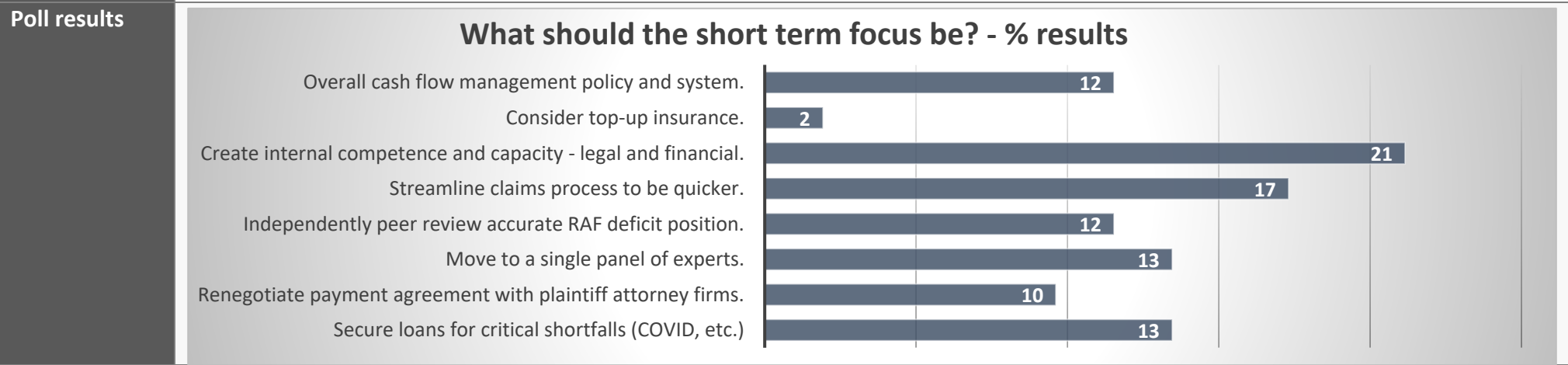
Kirstie is liaising with sub-streams to 1. identify areas & issues overlapping with other groups to coordinate and avoid duplication, 2. to find potential solutions to incorporate in the draft document for peer review and oversight in September. Specific focus will be on the over-arching aspect of **Experts** - particular attention to **(a) Joint / Single experts, (b) Regulation of minimum levels of expertise, industry experience and costs (and related issues)** and **(c) Requirements of Joint Minutes – and Rule 41 A Mediation** coupled with **Revival of the Arbitration Pilot Project**

GROUP 4	RAF Act & Regulation amendments National coordinator – Adv Carel van Jaarsveld	1 st Session 23 July	Dedicated email SolutionsGroup4@aprav.co.za														
The latest on the RAF Act & Regulations	RABS Bill – 6th Parliament PCoT: seeking alternatives RAF Appeal Tribunal v Gouws 2018 (3) 413 (SCA) – Regulation 3 & causation RAF New operating model <ul style="list-style-type: none"> • General Damages • Instalments • Dispute Resolution 																
List of burning issues	<ul style="list-style-type: none"> • General damages: to be abandoned or capped even further? • If so, re-introduce Common Law claim vs insured driver? • Specialist Tribunal akin to Pension Funds Adjudicator • Funding, payment & execution (Installments etc) • Procedure revisited: Act & Regulations (lodgment, prescription etc) • Suppliers claims • Other amendments YOU would like to see? 																
Poll results	<div style="text-align: center;"> <h3>% Results - Select the top three most critical issues</h3>  <table border="1" data-bbox="430 759 1787 1246"> <thead> <tr> <th>Issue</th> <th>Percentage</th> </tr> </thead> <tbody> <tr> <td>Suppliers claims</td> <td>8</td> </tr> <tr> <td>Procedure revisited</td> <td>26</td> </tr> <tr> <td>Funding, payment & execution</td> <td>24</td> </tr> <tr> <td>Specialist Tribunal</td> <td>11</td> </tr> <tr> <td>Common Law Claim</td> <td>3</td> </tr> <tr> <td>General damages</td> <td>29</td> </tr> </tbody> </table> </div>			Issue	Percentage	Suppliers claims	8	Procedure revisited	26	Funding, payment & execution	24	Specialist Tribunal	11	Common Law Claim	3	General damages	29
Issue	Percentage																
Suppliers claims	8																
Procedure revisited	26																
Funding, payment & execution	24																
Specialist Tribunal	11																
Common Law Claim	3																
General damages	29																
Progress / Next phase	Carell is in contact with various participants that is adding time and expertise to assist with finding solutions that will be going through a first phase of review and feedback at the end of August. During September a process will start to compile hi-level work into a draft document to be submitted for a first round of oversight.																

GROUP 5	Financial matters: RAF Budget & Fuel levy National coordination shared by stream members.	1 st Session 24 July	Dedicated email SolutionsGroup5@prav.co.za
----------------	--	------------------------------------	---

Current context	<ul style="list-style-type: none"> • RAF legacy: from 1946 to the MVA Act of 1986, then the MMF Act of 1989, and then the RAF Act of 1996 • Part of social security system or not? • Pre-2008 versus post-2008 practices • The acrimonious settlement approach of the past years • Impact of the unsafe roads & extremely high road crashes • The impact of the ailing economy • Consequence of the cash-flow management approach of the RAF the past years • Burgeoning legal bill • Burgeoning ‘deficit – how accurate is it? ...only 06% of undertakings ever ‘used’! • Change in approach by the ‘new’ Acting RAF CEO • COVID caused the perfect RAF ‘storm’
------------------------	--

Focus or the session	<ul style="list-style-type: none"> • Identify key financial issues and recommend solutions? • Analyse the impact of proposals, also from the other Work Streams: <ul style="list-style-type: none"> • Discount the RAF MTEF budget impact • Possible effect on the fuel levy • Short term versus long term financial gains/impacts
-----------------------------	---



Progress / Next phase	Key experts have been identified to investigate and analyse the key areas more in-depth
------------------------------	---

GROUP 6	OVERSIGHT AND PEER REVIEW National coordinator – Prof Hennie Klopper	hello@prav.co.za
Setting the scene - current issues	Compile a list of 10-15 knowledgeable and reputable persons, locally and internationally, to review and or provide comment on outputs, proposals etc. from this Initiative.	
Combined list of burning issues	Input from Groups 1 - 5	
Next phase	Form a National Consultative Forum?	

GROUP 7	STAKEHOLDER MANAGEMENT National coordinator – Ngoako Mohlaloga	hello@prav.co.za																				
Setting the scene	Hi-level stakeholder management Matrix																					
Methodology	<table border="1"> <thead> <tr> <th>Stakeholder</th> <th>Expectation</th> <th>Driver</th> <th>Impact</th> <th>Priority</th> <th>Existing status</th> <th>Required status</th> <th>Message (theme)</th> <th>Mechanism</th> <th>Frequency</th> </tr> </thead> <tbody> <tr> <td colspan="10">The stakeholder list has been compiled and all the different elements are currently being evaluated before it is approved.</td> </tr> </tbody> </table>		Stakeholder	Expectation	Driver	Impact	Priority	Existing status	Required status	Message (theme)	Mechanism	Frequency	The stakeholder list has been compiled and all the different elements are currently being evaluated before it is approved.									
Stakeholder	Expectation	Driver	Impact	Priority	Existing status	Required status	Message (theme)	Mechanism	Frequency													
The stakeholder list has been compiled and all the different elements are currently being evaluated before it is approved.																						
Progress / Next phase	The stakeholder list has been compiled and all the different elements are currently being evaluated before it is approved.																					

GROUP 8	COMMUNICATION National coordinator – Jeanette Coetzee	hello@prav.co.za
Upfront content development	A comprehensive information pack was developed before launch communication was published. www.prav.co.za has been updated to accommodate great information management available to anyone interested in tracking the Solutions Initiative developments.	
Current activities	Ongoing publicity in key media - including social media. Ongoing assistance and progress reporting of the working groups and sub-streams.	
Next phase	Further development of Dropbox platform and the website to accommodate first class information management. A more aggressive media outreach programme.	