



THE ASSOCIATION FOR THE PROTECTION OF ROAD ACCIDENT VICTIMS

A VOLUNTARY ASSOCIATION NOT FOR GAIN INCORPORATED IN TERMS OF THE COMMON LAW

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27 September 2023

**The Director General
Department of Transport**

Dear Sirs

ROAD ACCIDENT FUND AMENDMENT DRAFT BILL 2023

1. The request for public comment in the Government Gazette 49283 on 08 September 2023 bears relevance.
2. We, the Association for the Protection of Road Accident Victims ("APRAV") was established in June 2014 and is a human rights organisation.
3. Our strategic focus is to protect the Constitutional rights of all road crash victims, to support sensible and sustainable change and offer viable solutions to the DoT and RAF (submissions made to the acting Chair of the PCOT now the Deputy Minister of Transport on the 25th of October 2022 and SCOPA on the 19th of July 2023).

4. Our interest in the RAF Amendment Bill of 2023 stems from the fact that the proposed amendments will clearly have a significant impact not only in the lives of road crash victims but also the public at large.
5. Various public sectors including but not limited to justice, social welfare, health and finance will also be impacted by the proposed changes.
6. Of serious concern is the fact that various constitutional issues will have to be ventilated if the Bill is implemented unchallenged, as rights such as victim's access to the court, the right not to be discriminated against and protection against prejudice are all trampled upon seemingly in an effort "to improve the solvency of the RAF".
7. Details and Information are scarce, however closer scrutiny of the intended amendment bill reveals alarming similarities with the abolished Road Accident Benefit Scheme Bill (rejected in toto by Parliament)
8. We submit that it is unreasonable to require public comments without the DoT also publishing the regulations.
9. In terms of the Gazette the public has 30 (thirty) days to submit comments, yet it took the DoT since 2021 to draft the amendment Bill and Regulations (see par. 1.4 of the Memorandum on the Objects of the Bill).
10. We require the DoT to timeously publish (as to have regard to and include comments in reply) the following:
 1. The applicable Regulations (the DoT had been busy drafting same since 2021);
 2. The details of the funding model to be applied to the parallel (historical and new) system;
 3. The actuarial calculations of the state actuary as to allow for a peer review and determine to what extent the intended amendments will impact on the Provinces (NCOP)(see par. 6) and the South African taxpayer in general;
 4. The legal opinions of various Counsels (see par 1.4);
 5. The Medical tariff to be applied subject to the new dispensation.

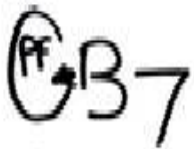
We respectfully submit that this information should be available and is in the public's interest.

We require same to be published within 7 (seven) days of this letter in the absence of which we will accept that the information is not available, that proper and due diligence was not observed rendering the process mute.

Having regard to the above, it is clear that the 30 (thirty) day period is wholly inadequate and respectfully request that the public be afforded 90 (days) to submit comments.

We trust that you would find this in order and would be pleased to receive your response to the request for a postponement by close of business on Friday 29 September 2023.

Yours sincerely,

A handwritten signature in black ink, appearing to read 'PF B-7'.

Pieter FC de Bruyn
Chairperson

