



MEETING NOTES

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DATE: 15 August 2018

SUBJECT: Notes on RABS Bill Provincial Participation Process: 24 July – 14 August 2018

In preparation for the report on the bill, the following notes were captured during the engagements from 24 July to 14 August 2018

General comments from the engagements

Taking all comments and questions into account, on assessment one can conclude that the majority of speakers could have been better informed on the content of the bill and what benefits they would be able to claim should it become law – an education drive prior to engagement on the bill would have been welcomed. Some speakers stated that they support the bill despite their questions directly following the statement showing an expectation that is contradictory to what the bill seeks to cover - for example persons that are already over the retirement age who would be limited on their claims, persons who have prescribed claims hoping that they would be able to claim once the bill becomes an act for the same incident, and persons indicating a loss of property as a result of the vehicle accident who are hoping they can claim for loss or property (vehicles).

The members indicated to those present that they would still have time to make further input on the bill and that they should take the documents received at the engagements to their communities and tell others about it, however, members did not indicate whether there was a cut off date for these additional submissions.

The consultation process might be questioned due to the limited documents available at some sessions, the consultation on the bill being in only one town per province, the limited versions of translated documents available as well as an apparent lack of full briefings on the bill prior to requesting comments.

The following points were encountered during all engagement sessions:

- The current claim process is too cumbersome and takes too long to conclude;

- Claimants struggle to get hold of RAF offices to follow up on claims and therefore request improvement in communication as well as regional offices to access the services and allow for claims closer to their residences;
- The amounts claimable should be depicted in the bill;
- If possible it was requested that the bill cap the percentage for claims which may be charged by attorneys;
- The Law Society should assist in dealing with or tracing attorneys that abscond with claimant's funds or commit fraudulent claims;
- Fraud and corruption in the administration of RAF must be addressed and there would not be a need for a new Bill;
- How would government be able to afford the RABS as the fuel levy is already considered to be too high;
- Claims as a result of poor road conditions required clarity to be provided;
- Whether the administration would be able to handle the influx of claims under a no-fault system was questioned while the no-fault system is seen as unfair;
- The limitation of benefits to under 18 year old and over 60 year old claimants require clarification, especially for instances where the injuries are severe and life-long injuries;
- There is a need for an education campaign on both RAF as well as RABS to be held throughout the country as many speakers indicated they or their community members did not know that they could claim, what they could claim or where to go in order to claim or what they are entitled to be paid out.

Inputs per session

The following table depicts the notes on each session:

Date	Province, District and Municipality	Comments
24/07/2018	North West Province Bojanala Platinum District Municipality 10:00 – 13:00 Madibeng White Hall: Brits	<ul style="list-style-type: none"> ● The bill was not supported due to concerns on whether claimants will have access to the courts if they do not agree with decisions taken by the administrator on their claims; ● The question was posed whether RABS will cover claimants who were victims of road rage or collisions caused due to poor road conditions such as potholes as well as instances where vehicles crash through property walls and into homes or businesses; ● The opportunity for youth to be represented as part of the Board membership is questioned due to the requirement for board members to have at least 10 years experience; ● The questions was posed whether RABS will truly be able to process a claim in

		<p>6 months and what assistance claimants will be given by the RABS as well as how the claim amounts are determined;</p> <ul style="list-style-type: none"> ● The move to the no-fault system allowing all victims to claim increase claimants while many of the benefits claimable under the RAF is proposed to be removed, such as general damages and the capping on the loss of income or earnings while provisions are not made for annual increases; ● The viability of the proposed timeframe in which to claim is questioned as the current administration does not resolve claims in the timeframe proposed; ● Many challenges faced by RAF and claimants are due to actions by some attorneys; ● It was questioned whether RABS only allows one to claim for medical services or access thereto instead of the funds for these services; ● The proposal to finalise claims in 180 days in RABS is supported in order to prevent so many claims from prescribing and lapsing after 3 years; ● Many inquiries were received from claimants on outstanding claims from collisions caused in or claims outstanding since 1996, 1997, 2007, 2008, 2009, 2011, 2014; ● Some taxi industry representatives were concerned about RABS as the funding via the fuel levy already adversely affects their business and requested that the no-fault approach be reconsidered as it would encourage unlawful driving behaviour; ● Views were raised that there is no need to introduce a new entity or system and that the RAF Act can be amended to address all concerns raised or issues that are currently not working in RAF administration; ● Various examples of under-offers from RAF to claimants were made; ● The RABS Bill was not supported due to a view that it was the same as the Compensation Commission system which was not working. Competent people need to be employed at RAF; ● If the administrator repudiates a claim the claimants will have little recourse as they will not have the funds to take the matter to the court and it would prevent the majority of persons from claiming;
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		<ul style="list-style-type: none"> ● A speaker held the view that the bill will be passed or is already passed regardless of views presented and that if it is passed 95-98% of the population will be negatively affected; ● The bill was not supported as it was shying away from what RAF has done to the claimants. Attorneys and corrupt claims are the cause for the current RAF issues and the Law Society must be investigated to prevent fraudulent claims as the speaker was a victim of an attorney who was fraudulent; ● A taxi owner was concerned about how the bill would affect the already concerning fuel price as well as being concerned over the 180 day claim period; ● The manner in which attorneys process claims was questioned; ● The limit on the funeral expenses claims did not take cultural traditions into consideration and a question was posed on whether professionals such as teachers, doctors, accountants for example, would be sufficiently covered if they claim; ● Concerns raised due to the new bill not allowing for general damages to be claimed but rather referring to rehabilitation – the concern was linked to the view that the North West Province does not have rehabilitation facilities and claimants from here would have to travel to other provinces to use these benefits; ● One reads about the poor administration at RAF each day and the question was posed on how RABS administration would be any different; ● A view was presented that government keeps on changing things that work and that RABS is just a way to shy away from RAF; ● The question was posed as to why we would need traffic officers if RABS allows everyone to claim, even those breaking traffic laws. An example of taxi drivers driving on sidewalks and injuring or killing pedestrians was raised and it was stated that it would not be fair for that driver to be able to claim just as the victims of his driving would; ● A concern was raised that some victims with critical injuries must wait more than 5 days in hospitals for operations and that the hospital services were
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		<p>failing them. It was questioned whether RABS would ensure that follow-ups are done with victims who are recovering from collisions and a request was made that healthcare must be provided within 24 hours;</p> <ul style="list-style-type: none">● It was questioned how RABS will be funded and the issue of RAF backlog claims remained a concern;● A concern was raised on the venues chosen for the briefings or engagements on the bill as the locations were not closer to current RAF branch offices;● No-fault system is a concern and the fuel levy is already being used for RAF and the view was held that the speaker was not willing to pay to fund claims from persons who negligently caused collisions;● The question was raised whether RABS will under-settle claims due to the removal of legal representation;● There were concerns regarding the monthly payment system as the SASSA is already having payment issues;● The hope was expressed that the views presented by the speakers will truly count as the leaflets indicate that their voices count;● The view was that RAF can address all the concerns raised or questions stated which RABS wishes to address so the department must just improve RAF;● The question was posed whether the bill will correct actions of the past and old claims;● There was a view that claimants struggle to obtain the documents required for claims from the various institutions that store them and access to information for claims or on claims already made or actions taken by attorneys to process claims was an issue;● The question was posed as to how the bill will improve road safety and whether claims for collisions due to potholes will be covered;● A speaker wanted to know whether the claimants data and information would be protected;● There was a question on the remuneration and allowances due to board members and where this could be obtained from and whether the board will be required to consider legislation applicable prior casting votes or making
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		<p>decisions or whether the powers of the board is in line with current legislation;</p> <ul style="list-style-type: none"> ● There was a question on what will be done to board members or employees of RABS who commit fraud but resign before finalisation of hearings; ● A speaker wanted to know whether the financial statements of RABS will be published and audited and whether the Bill will require the fuel price to increase further; ● A concern was raised regarding the use of contracted service providers; ● A concern was also raised on the majority of the public not being able to have access to computers in order to lodge claims; ● A view was stated that it already takes 5 to 6 months after a claim is awarded to pay out the lump-sum, therefor it was questioned how much longer payments would take if the no-fault system is followed; ● A request was made to retain the right to claim for general damages; ● The view was stated that it appears that claimants rights are being forfeited in order to improve the regulation of unscrupulous attorneys; ● The bill was not supported due to the old act already allowing for a faster settlement process than the new bill and yet attorneys for RAF drag cases out for years only to come and settle on the court steps prior to heading into court; ● All claims of victims who were passengers in vehicles must be improved and claimant attorneys are not the only ones to blame but the attorneys used by RAF must also bear blame; ● There was a view that the bill was not explained to the people and that the pro's and con's of the two bills should have been presented; ● A speaker indicated that the RABS would be 40% more expensive than the current RAF and questioned how the committee could say that it would save money; ● The list of benefits in the bill are limited – clarity was sought on how the healthcare benefit would differ and why general damages was removed; ● The question was posed on where government will get the funding to run
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		<p>both RAF and RABS concurrently;</p> <ul style="list-style-type: none"> ● A proposal was made that since government has access to funds for their own attorneys and specialists that the victims must be put in the same position and government must provide the victims with attorneys and specialists with regard to their claims or fighting disputed claim settlement amounts; ● Employed vs unemployed claimants issues were raised and a proposal was made to amend the claim to allow for nominal income evidence in order to allow claims; ● The bill was not supported as the administrator alone cannot consider claims since RAF already has a reputation of under-settling claims; ● A request was made to allow for more youth rights in the bill and clarity was sought on how persons in the informal employment sector could claim under the bill; ● Concerns were raised regarding direct claims from RAF or RABS; ● Some persons indicated that the interest on claims are paid but not the capital amount; ● There was a view that the under-settlement offers made by the attorneys representing RAF leads to wasting money in needing to issue summons; ● A speaker indicated that hospital files go missing which jeopardises claims; ● Documents on the bill as well as claim documents must be available in all official languages and people must be educated on the bill; ● Under-settlements remain a concern that is why attorneys advertise in the media against the RAF; ● The Community of Modderspruit should get more information as they regularly see claims lasting longer than 7 years. In general a proposal was made for information sessions to be rolled out to communities; ● A question was posed as to what the process under RABS would be if a claimant has granted power of attorney to someone.
<p>24/07/2018</p>	<p>Gauteng Province Tshwane Metropolitan Municipality 17:00 – 20:00</p>	<ul style="list-style-type: none"> ● The bill will not work and people will lose their jobs if attorneys are excluded from the process or doctors are excluded from the process; ● RAF has been a problem since 1946 and the bill has been amended several

	Ikageng Community Hall: Mamelodi	<p>times before. The new bill poses constitutional concerns and may breach the rights to dignity and to medical treatment;</p> <ul style="list-style-type: none"> ● RAF abuses victims and an answer must be found as accountability is lacking from RAF. If the accountability issue is not resolved, how could the new administrator be accountable either; ● Another speaker wanted to know why a change in entity is needed now and what was wrong with RAF; ● There was view that the no-fault system will cause people to make deliberate collisions; ● RAF doesn't pay claims now so how would RABS change this – under-settlement was raise as well as low payout amounts; ● The concern regarding poor road conditions and potholes causing collisions was raised here again; ● There was a request to take the consultations broader and include all communities, not just one city in each province; ● There was a view that RABS will not work. One of the reasons for this is that the administrator already cannot handle the volume of claims before it and they will just keep instructing matters to go to the court roll, only to offer settlement on the day of the hearing; ● The slow processing of claims will frustrate claimants as they will have to wait for the administrator to finalise its decision before the claimant can go to court; ● In most instances the evidence used to supply proof of death is the police inquest documents, which is impractical for claimants from rural areas, for example if the claimant is from Limpopo but the collision took place in Western Cape; ● The bill focuses on the administrator, but how will it be accountable or able to handle the influx of claims when even SASSA cannot handle the current volumes; ● Concerns were raised regarding the generation of funding as the view is that the fuel levy will increase so drastically that no one will be able to afford fuel
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		<p>anymore;</p> <ul style="list-style-type: none">● Questions regarding the claims procedure were raised as well as how documents will have to be sent to the administrator;● The view is that RAF should be improved instead of introducing a new entity;● Questions were raised regarding access of claimants to attorneys and specialists in order to assist them with their claims;● A speaker indicated that jobs were on the line if the bill is introduced, from collision reconstruction experts to other specialists other than just attorneys;● There was a view that RAF was spreading lies regarding attorneys and if it wishes to state that attorneys steal from clients then they must bring the evidence to support those claims instead of speculating;● A request was made for a commission of inquiry to consider the current RAF before the bill is implemented;● A view was held that the engagements should be in city centres closer to where attorneys practice from;● A speaker indicated that direct claims are currently under-settled and this bill will not change this;● The appeal process proposed will collapse the system due to the volume of claims and the need to appeal prior to going to court;● There was a view expressed that this was merely a change in the name and nothing else will change;● Examples were given on how difficult direct claims were and how delays in the process led to claims prescribing;● The view was that the administrator cannot be the judge and jury in claims and that the no-fault system will put negligent drivers in the same position as innocent victims, which will not work;● A speaker indicated that the no-fault system is nice in theory but it is also against natural justice. The system will be more administratively intensive than the RAF and makes it more difficult for the layman claimant to claim;● There was an objection to the non-assistance provided for lodging a claim both financially as well as the removal of attorneys from assisting claimants
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		<p>to lodge claims;</p> <ul style="list-style-type: none"> ● There was a view that the current RAF claim backlogs are due to slow administration and not due to the claimants, therefore RABS will not benefit the people; ● There was an objection to the monthly payment of claim amounts as it will not assist claimants to survive; ● Should claimants need to recover claim funds from unscrupulous attorneys, they can do so from the Fidelity Fund.
<p>25/07/2018</p>	<p>Mpumalanga Province Nkangala District Municipality 11:00 -14:00 Emalahleni Civic Theatre: Emalahleni</p>	<ul style="list-style-type: none"> ● A view was that it was the first time in years that RAF has come to Emalahleni and claimants don't know where they can access the RAF in their city which is why they end up going to attorneys for assistance. There is a need to establish branch offices of RAF/RABS in the municipality; ● It was difficult to access RAF via telephone and the bill should not provide only for online applications; ● A request was made for the bill to regulate the amount that attorneys can charge to prevent overcharging; ● The tendency to under-settle by the RAF is a concern as well as the view that the fund has prevalent instances of corruption; ● A concern was raised regarding claims for loss of income support when the victim was temporarily employed or doing piece jobs as one would have difficulty proving the income when claiming; ● The percentage taken by attorneys is concerning; ● A speaker stated that RAF tells claimants that they will not pay claims if claimant is not employed and if they do pay it is only after 15 months. This makes life particularly difficult for mothers who have to take care of children alone while waiting to receive claim payout; ● Claimants require access and use of doctors, attorneys and the RAF administration which all cost money and in many instances doctors are late or don't show up at all; ● A view was expressed that victims who go to hospital unconscious or in pain are approached by RAF agents to sign documents that they can't remember

		<p>signing or the content of the document once they are recovered. This is why they then end up going to attorneys for help. RAF also does not follow up with these victims once they are recovered;</p> <ul style="list-style-type: none">● RAF is viewed as giving claimants a certificate when they claim but that document does not pay for living expenses or food;● If RAF assists victims, it was said that they only do so in English with no translations available. A lasting solution is needed;● A speaker stated that the law has changed in the past over a long period of time and therefore questioned by it takes so long for laws to change;● There was a view that everyone pays towards the fuel levy and that the lump-sum payment should not be removed;● Under-settlement and delays in finalising claims was a concern from a mother's perspective who had a son that was injured at age 18 and could not get work due to his injuries. Despite this RAF was of the view that his injuries were minor and the speaker also indicated that a small amount was paid out by the attorney they used to assist with the claim;● A speaker stated her frustrations with a past claim and that the amount paid out for the funeral claim was far less than what the family had spent. They also experienced a lack of communication and their attorney is unreachable. There is a faster claim procedure needed with payment timeframes and her view was that the bill would assist with that;● There was a view that the bill was too voluminous to read in the time required since obtaining a copy thereof at the engagement;● A request was made to add criteria to the bill that will indicate what portion of the claim can be taken by attorneys as they currently over-charge;● There was a request to implement monthly payments to victims;● From a taxi industry perspective they experience several claims and are not able to give claimants complete information. There was also a concern that claims should only be from the RAF and not from the taxi owner as well;● A speaker requested that the bill be made available in all languages;● Funding via a fuel levy is also a concern;
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		<ul style="list-style-type: none"> ● There was a view that the 3 year prescription period is too short for those victims who have serious injuries and RAF offices are needed in all municipalities to help claimants; ● The economy is not improving and there was a view that if the bill will help victims and change the RAF for the better then it is welcomed; ● Victims and children must be assisted in their claims to ensure that they are taken care of up to finalisation of higher/tertiary education; ● There was a view that the more claims are processed and paid out, the higher the fuel levy will get; ● There was agreement with the bill because it will allow for lump-sums to be structured into monthly payments; ● A speaker was opposed to the bill due to the view that the no-fault system will allow drunk drivers to claim which encourages lawlessness. The speaker questioned by child claimants must apply for a second time, which is cumbersome, once they reach 18 years of age while they are still dependent on their parents. There was also a question on how RABS will deal with fraudulent claims; ● There was opposition to the bill due to the view that claims already are not processed by RAF if there is no loss of income while attorneys were able to prove loss of income in court, meaning that RAF is not doing its job; ● A speaker agreed with the bill and requested that parliament assist with how clinics work to reduce the long delays and waiting times to get proper help; ● There was the opinion that RAF is outdated and backlogged, it also takes 7 years of litigation proceedings only for RAF to settle on the day that court is set to hear the matter and the question was asked as to how RABS would change this; ● Actuaries in previous engagements indicated that RABS can be either 20% cheaper or 40% more expensive, while others in their submissions indicated that it would be more expensive – it is therefore questioned whether it would be cheaper; ● A speaker agreed with the bill but wanted to know where the offices will be
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		<p>located;</p> <ul style="list-style-type: none"> ● There was a request that the benefits be expanded on and a question as to how the fund will be administered and there was a request to indicate who will be the service providers for some of the benefits indicated; ● A speaker wanted to know where the indication was on the tariffs that would be paid; ● There was a view that parliament was only doing this process for statistics; ● A claimant was of the view that claims take too long and if paid out the total is not sufficient to place the victims in the same position as prior to the collision, in her instance she lost her vehicle in the collision and was only paid our R27 000 for her claim; ● The view was expressed that toll gate money that does to government should be managed better; ● A request was made to educate the community and remove fraudulent attorneys; ● A speaker requested that RABS must help those victims who claim only to have RAF tell them that they have minor injuries despite them not being able to work due to their injuries. The view was extended to state that RAF does not do proper exams of victims; ● There was an opposing view to the bill because there is no specific amount given for medical care claims or whether it is a monthly support payment and for how long it will be paid; ● The view was that RABS will not be able to make the process faster if RAF can't even improve it currently. There was also a question on whether RABS would have sufficient funds to pay the masses of claims that they are bound to receive; ● There should not be under-settlements and if so, the question was posed as to what recourse the claimants have if attorneys are excluded and whether claimants will be assisted if they go to court due to under-settlements; ● A speaker wanted to know why RAF is not amended to correct the wrongs instead of changing it to RABS and was of the view that increasing the traffic
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		<p>officers on the road would reduce collisions;</p> <ul style="list-style-type: none"> ● There was a view that the claims process is complex and that the police send claimants from pillar to post only to find that cases were not opened despite having been on scene and victims having been to hospital. The hope is that the bill would assist; ● A view was expressed that the bill should assist uneducated victims and that each municipality should have an office to go to claim at; ● There was support for the bill, however, there was a serious issue with drunk drivers or unlicensed drivers being able to claim from RABS as it will cause an influx in claims that will make the process take longer to finalise; ● A request was made that the bill should assist victims who dies without IDs; ● There was opposition to the bill due to the view that it was too vague and the community does not know what the bill is about. The deficiencies in RAF should be identified and there must be direct communication with claimants; ● There was a question whether the administrator would go to regional areas to find victims in order to process their payments or will they merely do one call to the victims and if not reached merely pay the funeral homes or other service providers instead; ● The question was posed whether there was a feasibility study done to determine whether RABS would be affordable; ● Claim amounts and thresholds or costing must be indicated; ● There was a view that 3rd party payments must be removed otherwise it will be like SASSA; ● A speaker requested that the community input must be used to correct the bill; ● The question was posed whether the definition of road user includes unemployed or employed only or those in school or studying.
<p>26/07/2018</p>	<p>Limpopo Province Greater Sekhukhune District Municipality 11:00 - 14:00 Makhuduthamaga New Municipal Buildings: Jane</p>	<ul style="list-style-type: none"> ● A view was expressed that road conditions must be improved to prevent accidents and that RAF must assist in ensuring emergency and support services are brought to communities; ● Local RAF offices in rural towns are requested and a less complicated claim

	Furse	<p>system must be introduced;</p> <ul style="list-style-type: none"> ● A proposal was made that the percentage of funds claimed by attorneys assisting claimants must be pre-determined; ● There was a complaint that the bill was only received on the morning of the hearings and the speaker could therefore not indicate whether he agrees with the bill or not. He indicated that he is almost forced to support the bill despite not knowing the content thereof; ● There was a question regarding what benefits a claimant or his/her partner or dependents might have if they were unmarried or engaged; ● There was a view that the lump-sum payment assisted one claimant with building a home; ● A speaker was of the view that government was not being honest with the people in portraying RABS as an improvement over RAF. RAF currently pays a lump-sum but RABS pays capped monthly amounts and one cannot claim for pain and suffering; ● The speaker also indicated that in his view RABS does not allow claimants to use attorneys and they will have to navigate the complex claim process themselves. He also posed the question of what occurs when the claim is rejected, what recourse or assistance would the claimant have; ● The speaker had the further view that RABS infringes on the claimant's right to access courts, because his opinion is that the bill only allows you to go to court to review the administrator's decision once the internal appeal process has been finalised; ● He continued to indicate that the victims are exploited due to under-settlements or claims that do or will prescribe and wanted to know how RABS will change that; ● His opinion was further that the monthly pay-outs will be similar to the SASSA grant system payments, which one can already see problems with; ● The introduction of rehabilitation instead of compensation will place the healthcare system under severe strain; ● The root of the problem should be cured and the number of collisions on the
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		<p>roads must be reduced along with the introduction of proper healthcare in order for a system such as RABS to work – he questioned why the bill could not wait to be introduced once the National Health Insurance system came into force;</p> <ul style="list-style-type: none">● He is opposed to RABS and instead indicated to the committee that the maladministration in RAF should be fixed in order for it to be more efficient because the system works, instead of replacing it with a more expensive scheme;● A speaker held the view that RABS is supported, but with the condition that the bill be sent to local municipal offices in order to allow citizens to read through the bill;● There were administration concerns for implementation of RABS and a view that appeals must be allowed;● There was agreement with the limitation of claims for foreign claimants;● A question was posed as to whether RABS will assist claimants who have been defrauded by attorneys in the past;● Furthermore the speaker wanted to know how claims for under-aged claimants will be dealt with and what happens if the guardian of the under-aged claimant passes away before the claim is finalised;● There was also a question regarding how the monthly payment amount is determined;● One speaker had the view that after this engagement the community will never see the committee again and that they need RAF offices in the rural areas;● There were also concerns about a speaker's past claims from accidents in 1990 and 2005 for which he has not received any payment or feedback;● A speaker was of the view that she did not agree with the bill because RAF is already paying claims out and she also disagreed with the monthly payment of claim amounts as there is no certainty as to what will happen if the claimant passes away before the full claim amount has been paid out and their dependents may be left destitute;
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		<ul style="list-style-type: none">● There was a question from one speaker on whether anyone approached the committee to say that RAF is not working or asked the committee to replace RAF, because he does not agree with the RABS bill and instead requested that gravel roads be tarred in order to reduce collisions;● One speaker wanted to know what would be wrong if claimants received lump-sum payments instead of monthly payments;● There was a concern raised by a speaker regarding the requirement to provide proof of income as most persons only have temporary work or piece jobs to support their families and do not receive payslips;● The speaker also held the view that the claim process is very long and the documents required to claim is cumbersome to obtain;● A speaker had the view that the removal of attorneys from the process is a concern as they assist claimants to claim otherwise they would get nothing from RAF;● The bill was supported by the speaker with reservations and a request that the distribution of information on RAF as well as RABS should be improved and even distributed to schools and municipal offices;● There was a view that the bill is not supported because stakeholders were not contacted properly and radio was not used effectively and it appeared that those injured in collisions were not present at the engagement;● The speaker was of the view that the use of attorneys must be retained and the bill does not treat everyone equally as it did not cater for unmarried persons in the same manner as it caters for married parties;● There was a view that a faster claim process must be introduced and there was a question as to whether the bill will apply retrospectively and when it will be signed into law and become implemented;● There was a view that a speaker agreed with the bill despite not having had time to read through the document, but there was a question regarding whether pedestrians will be able to claim or whether their families could claim if they pass away in the collision;● The speaker indicated that attorneys should not be removed because some
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		<p>RAF offices discard applications made by persons based on bias or favouritism to finalise other first;</p> <ul style="list-style-type: none"> ● The last speaker for the session requested that the citizens of the country be educated on the bill and suggested a payment method similar to a monthly income or payment like that of grants via SASSA.
<p>31/07/2018</p>	<p>Eastern Cape Province Buffalo City Metropolitan Municipality 10:00 - 13:00 Cambridge Town Hall: East London</p>	<ul style="list-style-type: none"> ● The first speaker supported the bill because victims struggle to claim from RAF, but the speaker was not sure how long claims would take under RABS compared to how long they take under RAF; ● There was a question regarding the amounts payable for assistance to get victims from point A to B; ● The speaker requested that the department install road signs at areas that are high accident zones and roll out more traffic lights; ● There was a question regarding the assistance that would be provided to dependents if claimant passes away other than the funeral fees or do they merely receive a lump-sum for the funeral; ● A speaker indicated that he supported the bill and that he was a victim of a collision and once in hospital a lady visited him and advised him to speak to a firm of attorneys. Despite this he had a drinking problem and ignored the advice and kept drinking and didn't claim at that point in time. Once he decided to claim he was told that the claim had prescribed, however, he still had the details of the collision and wanted to know if he could still be assisted; ● A speaker supported the bill because in their opinion it would benefit all; ● There was a question regarding claims for dependents if victims passed away; ● The speaker spoke of an incident where a friend's doctor, after a collision, indicated that they were not injured despite having been admitted to hospital after the collision as an example of the struggles claimants face; ● There was a request for more speed bumps or traffic calming measures in the municipality and its settlements; ● A speaker supported the bill but had a question regarding whether one can receive a caregiver or caregiver benefit under RABS;

		<ul style="list-style-type: none"> ● The speaker also indicated that people are swooped on by others like vultures if a claim is paid out but when the money is finished all support vanishes; ● There was also a question regarding incidents when the homeless are involved in collisions and whether the bill makes provision to place them in an institution or a home to support them after a collision; ● A speaker indicated that he gave input to the 2002 Satchwell Report and questioned whether the numbers linked to implementation of RABS were interrogated to determine the financial feasibility of the bill; ● The speaker referred to the True South Report commissioned by the department and stated that the 2017 report when compared to the actual figures of RAF at the time differ and regards this as a big discrepancy; ● The speaker pointed out that under the income support benefit there may be a drafting error as the 75% calculation was supposed to already have allowed for tax in order not to tax the claimant twice, therefore the use of 'gross earnings' should be amended; ● The speaker also indicated that costs under RABS will not remain the same as in RAF but will increase; ● The speaker does agree with some aspects of the bill such as the removal of claims for foreign claimants; ● There was a speaker that supported the bill and who was a victim of a collision in 2015 when their children passed away and the claim was still not finalised; ● The speaker was of the view that attorneys were like vultures when collisions occur and despite fighting with the attorneys as well as RAF the speaker only was assisted with the claim once the committee assisted; ● There was a question regarding the instances where youth that were unemployed passed away in a collision and whether their earning potential and potential support they could have provided their family and dependents would be considered if there was a claim made under RABS; ● A speaker supported the bill despite RAF offices not being progressive as the bill or information regarding it was not shared to the community prior to the
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		<p>been working with had moved offices since taking his case and he could no longer get into contact with them.</p>
<p>01/08/2018</p>	<p>KwaZulu-Natal Province Ugu District Municipality 10:30 - 13:30 Uvongo Town Hall: Port Shepstone</p>	<ul style="list-style-type: none"> ● There were a few speakers who indicated that they were victims of collisions or had family members who were victims and that their cases were pending with little or no feedback on progress, alternatively they indicated that attorneys walked away with their money; ● A speaker indicated that he supported the bill because many victims have since passed away with no benefit while only the attorneys benefit from RAF; ● There was a view that the RAF should just be improved and that attorneys portion of paid out claims were too high. If the RAF officials worked more efficiently then the need for attorneys would be limited; ● The speaker requested that the amendments be better clarified and posed the question whether only victims who passed away or were badly injured could claim; ● There was a question whether there were RAF officials in regional areas; ● The speaker supported the bill but requested that the claim amounts be standardised or clarified and that monthly payments were also supported; ● A view was stated that RABS would not give financial assistance to claimants and they would need to go to the administrator on their own and obtain their own records to process a claim and only once the claim is processed in their favour will financial assistance be given from RABS; ● The speaker questioned how the no-fault system influx of claims would be dealt with and whether there had been a skills analysis done to show that officials would be able to handle both RAF and RABS at the same time; ● The speaker referred the committee to an article he had written and published in the August 2018 De Rebus on how the RABS bill is failing with regard to the constitutional rights of victims; ● The speaker also indicated that the affordability of RABS is a concern, the exclusion of foreign claims is not new as it has been in place since 2008, funeral benefits covered would be insufficient and that the death of a victim stops their rights to claim from RABS and that he did not support the bill;

		<ul style="list-style-type: none">● A view was held that the bill is supported as long as the monthly payments allow the victim to live life progressively;● There was a speaker that indicated they supported the bill, however, they wanted to know whether the amounts they can claim will be in the bill;● A speaker was of the view that they supported the bill, but that the use of attorneys should not be excluded or limited;● The speaker also indicated that the increase in the fuel price is a concern and that the use of a no-fault system will increase claims;● The speaker also requested that the issue regarding general damages must be reconsidered and that victims need to know where to go in order to claim and that workshops on the claim process should be held once the bill is enacted;● A speaker supported the bill because she hopes that it will still assist her and her husband who was a victim of a collision in 1988 and still requires medical help but missed the deadline to claim from RAF;● A speaker was of the view that in her opinion it appeared as if other speakers did not know what the process is about and pushed the blame on the attorneys instead;● The speaker felt that the committee was merely performing a tick-box exercise and that is not the consultation that was needed in order to tell the community what the bill is about;● The speaker also indicated that there was a RAF office in Durban from where there could be information given to constituents in the regions;● The speaker questioned why RABS removed the common law right of victims and indicated that RAF was working smoothly till the act was amended in 2012 and that corruption in RAF was prevalent;● She further indicated that RAF keeps running away from responsibilities and can't keep giving undertakings which never materialise before claimants pass away;● There was a speaker who wanted to know how the RABS bill would work, whether it pays for the deceased, the injured or dependents;● A speaker supported the bill but wanted to know how one processes a claim
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		<p>where a child was a victim of a hit-and-run collision;</p> <ul style="list-style-type: none"> ● There was a speaker that indicated she supported the bill because RAF has a lot of corruption. She further requested that the decision to move with the bill should not be affected by or based on the number of persons present at the engagement; ● A speaker indicated that he does not support the bill and the RAF Act in principle is perfect but its application is the problem; ● The speaker indicated further that the no-fault approach is concerning as it would lead to more drivers being reckless; ● The speaker also indicated that people don't understand the rights in the RAF Act and don't know where to go to claim directly which means that education on its content is needed; ● A speaker was of the view that the industry needs change, but that the people must be given all the facts. There was also a question whether the speakers knew what they were supporting; ● The speaker stated that children under 18 could only claim later; rehab centres were not in the region so claimants would have to travel to Durban; after a period of 15 years your benefits are cut and claimants must claim and if nothing is responded in 150 days they must appeal and if they appeal they have nowhere to go; ● The speaker indicated that there were unconstitutional clauses in the bill.
<p>02/08/2018</p>	<p>Western Cape Province Cape Winelands District Municipality 11:00 – 14:00 Worcester Town Hall: Worcester</p>	<p>Some comments were noted, however, due to a lack of available copies of the bill at the venue the meeting had to be postponed to 14 August 2018 to reconvene. The names of those seated and waiting to make submissions were noted and they would be afforded first opportunity to speak once the engagement resumes again on 14 August 2018.</p> <ul style="list-style-type: none"> ● A speaker indicated that the claim process takes too long and the money paid out is too little which is most people claim via attorneys. The speaker wanted to know where government gets the information on the victim in order to process the claim;

		<ul style="list-style-type: none"> • Some speakers indicated that they wanted feedback on claims made and not yet finalised.
<p>14/09/2018</p>	<p>Western Cape Province Cape Winelands District Municipality 10:00 – 13:00 Zwelethemba Community Hall: Worcester</p>	<ul style="list-style-type: none"> • There was a view from a speaker that not all attorneys are corrupt, just as not all politicians are corrupt, but you do get those few that bring your profession into disrepute. The majority of attorneys do their best to ensure that their clients rights are cared for and that they receive all benefits due to them in terms of claims. The committee was requested not to punish attorneys at the expense of citizens; • The speaker also held the view that RABS was 75% more expensive than RAF and stated that this was indicated by the Department in its own actuarial assessment; • The speaker asked that the committee members take the bill and apply it to the eventuality that their own family members were to be injured in a collision when the bill was in effect and how that would impact their loved ones; • He further stated that under RABS one cannot claim from the negligent party and it was an administrative nightmare to claim on behalf of a victim and therefore ordinary people would struggle to claim; • A speaker inquired on where the funding would come from for RABS as the fuel levy would have to at least double to afford RABS; • The speaker was concerned that the no-fault system would lead to increases in claims, which in turn would mean that even less funds would be available; • The speaker was also of the view that due to the income benefits allowed under RABS one may be faced with instances where unemployed persons deliberately get involved in collisions in order to benefit from the average income benefit; • There was a concern raised on how attorneys deal with claimants and how they process their claims and therefore the committee was asked to assist claimants in pre-determining the percentage that attorneys would be able to take from claims awarded to claimants; • A speaker was of the view that they appreciated the presentation and understood RABS now, and further indicated that they had a claim from 2015

		<p>that was still not finalised and wanted to know how long it was supposed to take to finalise and pay out a claim;</p> <ul style="list-style-type: none">• The speaker has a concern that many claims fall away due to claimants passing away before their claims are finalised and wanted to know who would be able to claim or receive the money in those instances;• There was a concern that RAF gives little responses to claimants when they follow up or take too long to respond and the speaker supported the bill because they were of the view that it would assist them and is easy to understand;• The speaker also indicated that many elderly persons have to look after children of parents who may have passed away in collisions and when they have to claim they are not treated well and should be able to claim in their own language and treated with the patience needed to help them process claims;• A number of speakers raised past claim issues from collisions in 2009, 2008, 2014, 1996, 2006, 2012, 2015, 2013 and 1999, and therefore wanted assistance with finalising claims or determining the status of claims. These speakers also raised concerns on how long it took to finalise claims, that they could not claim without case numbers and this was especially in hit-and-run instances, that attorneys that assisted them treated them poorly or disappeared or lodged claims on their behalf and left with the payouts, as well as concerns that they were under-settled claims or victims of medical malpractice;• A speaker indicated that his attorney informed him that because his injuries were from a collision in or after 2009 he could not claim unless he had passed away or had a limb amputated;• A speaker supported the bill and asked that the committee must bear in mind that many attorneys are corrupt as her brother was a victim of a hit-and-run but he only received a payout after he claimed for a second collision. She wanted to know if RAF could intervene to get the claimants money if the attorneys do not pay it to claimants;• A speaker felt that each claim could not be treated the same as each victim's injuries and circumstances differ;
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		<ul style="list-style-type: none">• The speaker wanted clarity on what was meant with the 180 days time period and what the role of RAF officials were once a person instituted a claim;• The speaker supported the bill and wanted to know if he would be able to assist his mother-in-law with a claim as she and his wife had been in collisions;• A speaker indicated that they were grateful for the engagement with the committee and hoped these types of engagements would be repeated. She also indicated that in the past if she wanted to institute a claim for the death of a family member in a collision she went to an attorney that gave her incorrect information and also failed to get assistance when she went to the RAF. She wanted to know if RAF officials go to visit victims' homes to ask for signatures on documents;• The speaker stated that they once wanted to claim after a bus collision but was told they could not claim if there were no traffic officers or police at the scene;• A speaker indicated that he had been a victim of a hit-and-run and received assistance from an attorney to claim, who indicated to him that the claim amount paid out was R9000, of which the attorney took R3000. Despite opposition from his sister to accept that amount he did accept it because he was under the impression that he would be able to appeal the amount at a later stage but was in desperate need to have it at the time. He was informed later that once he accepted the amount he could not appeal;• A speaker spoke of her experience with an attorney in Queenstown after her child had been in a collision in 2008 and indicated that they do not present to claimants with professional attitudes and in some instances even ignored her questions. She requested copies of her claim from him and claimed in 2014 in Worcester and was told that it would only be finalised in 2023, which she felt was incorrect to have to wait that long;• A speaker spoke of her unfortunate experiences with an attorney that offered her farther R50 after he was badly injured in a collision and also indicated that in some instances attorneys or RAF officials ask claimants what they would do with the money if it was paid out;• The speaker further indicated that RAF does not answer calls and their officials also do not treat people well as she saw her mother's name on their
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		<p>computer system after they had claimed with a large amount of money indicated as due to her but that was not paid to them and she wanted to know when that claim would be paid out;</p> <ul style="list-style-type: none"> • A speaker spoke of his experience with an attorney that did not give him feedback on his claim and thereafter moved office. He had spoken to another attorney who then indicated that the first had instituted a claim on his behalf and was paid out R35 500. He indicated that the second attorney is trying to assist him to find the one that stole his money.
07/08/2018	<p>Free State Province Lejweleputswa District Municipality 10:00 – 13:00 Ferdie Meyer Hall: Welkom</p>	<ul style="list-style-type: none"> • The first speaker indicated that he did not support RAF or RABS and that a change in the name will not make any real difference; • The speaker complained about the officials at the RAF offices and stated that they had the wrong attitude, were ill informed and therefore he would be concerned to process a direct claim; • The speaker continued to question why the consultation with attorneys was no longer in the bill and stated that the provincial consultation on the bill was not for the people but only for parliament; • The speaker wanted to know whether RAF officials investigate claims as many victims pass away while waiting for claims to be finalised; • A speaker indicated that he did not support RAF or RABS because he experienced under-settlement and gave his experience of processing a claim. He indicated that the claim was awarded but is still to be paid out and that he believes access to attorneys must remain as he would not be able to represent himself in an appeal or review; • A view was held by a speaker that they support RABS because the attorneys benefitted too much from victims and the proposal to transport victims in order to claim or to benefit from medical services was welcomed; • The speaker, however, had a concern regarding the no-fault system and felt that it would not be fair that both victim and negligent party benefit from the scheme; • A speaker from the Free State NTA supported the bill but raised his concerns over the length of the document and the cross references to other legislation

		<p>made in the bill but not supplied for reading with the bill;</p> <ul style="list-style-type: none">● The speaker supported the aims of what RABS wants to achieve but needed clarity on a few issues regarding how the RAF administration would be changing as his view was that the bill should assist to streamline the claim process and that collisions normally have victims from both sides but wanted to know where one draws the line;● The speaker further pointed out that bribery of traffic officers and their acceptance of bribes fails to ensure that road worthy vehicles and law abiding drivers are on the road and that if they were to do their jobs as they were intended to there would be far less collisions and fatalities;● The speaker also requested traffic calming or traffic flow measures to be put in place on the R70 especially at the junctions to prevent collisions;● A speaker was of the view that they did not support the bill as it is the same issues under a different name and the process is not going to assist;● The speaker also indicated that the fuel levy goes to RAF instead of going towards maintaining the roads;● The speaker further indicated that the bill promotes lawlessness if it remains on the no-fault system as people would cause collisions intentionally to claim;● The speaker stated that without legal assistance the laymen will not be able to present cases and process claims and questioned whether the RABS bill would improve the claim process or whether it would take just as long as under RAF;● A few speakers indicated they were victims of collisions or family to victims and wanted clarity on outstanding claims and also complained about underpayments by both RAF and attorneys that assisted on their cases;● A speaker inquired regarding the claim for children and wanted to know why one could only claim once they were 18 as children of all ages ride in cars;● There was a speaker who supported the bill but indicated that the SCM of RABS should go to Treasury or Public Works;● The speaker also indicated that a blanket approach with the monthly payments should not be followed but the amount paid per month should be
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		<p>linked to the claimant's profession or ability to manage finances;</p> <ul style="list-style-type: none">● The speaker further indicated that RAF should sign an MOU with the legal aid clinics to assist victims when they process claims;● The speaker also stated that the prescription of claims was due to delays in processing claims and if RABS were to be enacted he questioned what would happen to those claims that were still outstanding;● A speaker indicated that the no-fault system will incentivise accidents and the proposal thereof should shock all as it would lead to some prisoners getting paid out more for claims that innocent victims;● The speaker also indicated that the under-settlement issue will be more prevalent under RABS; questioned how caps on benefits would be applied or what the funeral benefit was and stated that there were no rehabilitation centres available and hospitals were over burdened – therefore not supporting the bill;● A speaker indicated that she supported the bill if it assists with how claims are processed and that officials at RAF must be addressed to assist claimants;● A speaker was of the view that the bill was unconstitutional and immoral and will cause administration chaos;● The speaker indicated that there will no longer be claims for general damages for pain and suffering after serious injuries as a victim of a collision, yet if someone's dog bites you, you can claim general damages from that owner and therefore equal rights are not promoted;● The speaker also indicated the concern that benefit payments are only for 15 years or up to the age of 60, whichever comes first, which means persons who still work while they are over 60 can't claim and they are therefore not awarded dignity despite their ability and need to still work;● The speaker also indicated that it was immoral to allow reckless and/or foreign drivers to claim the same as victims under the no-fault system;● The speaker indicated that claims take long, but with the Workman's Compensation Act they take even longer, but that currently at least cases under RAF go to court;
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		<ul style="list-style-type: none"> ● The speaker was further of the view that court costs are high and that money is wasted by RAF attorneys who settle on the day of court while on the steps of the building, leaving the fault of poor management of claims squarely on RAF; ● The speaker also indicated that the administrator cannot be judge and jury at the same time; ● A speaker requested that all documents on RABS claims must be sent to all households as well as homes that house orphans of road collisions as they would not know they can claim if their parents passed on; ● The speaker was also concerned over the payment for claims of negligent drivers and did not agree with that and requested that the issues of claims by persons under 18 or over 60 must be clarified; ● A speaker was of the view that parliament must ensure that there is food at these engagements as some attendees are diabetic and receiving only water does not assist those who have come from far; ● The speaker also stated that he did not see the purpose of these hearings due to the fact that the CRC had similar engagements a few weeks back and it seems that decisions were already made on the outcomes at the time; ● The speaker felt that this was merely a name change; ● A speaker raised concerns over the monthly payments and wanted clarity on what undertakings were made with the benefits indicated as these are not clear; ● The speaker indicated that RAF gives caregivers as well as make payments towards the upgrading of residences; ● The speaker objected to the capping of benefit payments at certain ages or after 15 years and wanted to know what happens to those claimants after the benefits are cut; ● A speaker did not support the bill due to the view that most sections of the bill are unconstitutional and if passed would see a lot of litigation; ● The speaker stated that access to legal representation is a right in the Constitution and also pointed out that if the funeral benefit is capped at
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	<p>Frances Baard District Municipality 10:00 – 13:00 Kimberley venue to be confirmed</p>	<p>collisions and that he agrees with the bill because he was in a collision 2 years earlier but is still waiting for his claim to be finalised;</p> <ul style="list-style-type: none"> ● A few speakers indicated that they or family members were in collisions and that they needed assistance to claim or to finalise claims or get feedback on claims. One speaker indicated that after a collision the negligent party gave them an attorney's details and in the end the negligent party was paid out the benefit that was due to the speaker's family member as claimant; ● A speaker indicated that she did not understand all aspects of RAF or the claims process and that she did not know whether there was a difference between a 3rd party claim or a RAF claim; ● The speaker also indicated that funeral expenses are very high and that even R15 000 is not enough – her brother passed away in a collision and all that was paid out was R15 000 and she feels that her brother's life was not worth R15 000; ● A speaker indicated that he supported the bill but that the committee must take all the community views raised at the engagement into account; ● A speaker indicated that she supported the bill because prior to the engagement she did not know about the RAF process; ● A speaker indicated support for the bill but requested that it be a hands-on law because people in rural areas are not well informed on RAF and attorneys therefore benefit out of the vulnerable which is not correct – the bill must be promulgated to empower people that are suffering; ● A speaker agreed with the bill and stated that for the objects to be effective there is a need to see the efficiency in its operations; ● The speaker agreed with the long-term support benefit because the current system only pays a lump-sum; ● The speaker was concerned over the prescription period for claims older than 3 years because people do not always know where to go to claim; ● The speaker agreed with the replacing of RAF if it would remove corruption and all money must go to benefit the claimants and the scheme must get all the funds that are paid towards the fuel levy;
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		<p>once the claimant passes away as the dependents and relatives must be able to claim as well;</p> <ul style="list-style-type: none">● A speaker indicated that she did not read the bill but would do so at home and indicated that after losing her son in a collision a while back RAF only paid for the coffin and no other expenses linked to a cultural burial and because she is employed, despite looking after his son, she cannot claim from RAF – she wanted to know whether parents of victims should not be able to claim as well;● A speaker questioned whether a victim’s life is worth nothing if they are unemployed at the time of their death in the collision and questioned what their families that are left behind are to do because the bill does not make provision for relatives of unemployed victims to claim;● A speaker indicated that over the past 4 to 5 years the RAF on the Road programme has solicited direct claims and requested the committee to inquire into the status of those claims as many of them have since prescribed;● The speaker indicated that government has not taken responsibility for the issues at RAF and instead blames the attorneys;● The speaker further indicated that the committee stated that attorneys would not be done away with, however if the bill is enacted RABS will not cover expenses of claimants to claim so they will not afford to claim and therefore the bill will not empower the poor.
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