

3. Report of the Portfolio Committee on Justice and Correctional Services on the State Liability Amendment Bill [B16 – 2018], dated 24 November 2023

The Portfolio Committee on Justice and Correctional Services, having considered the State Liability Amendment Bill [B16 – 2018], is of the opinion that, at this stage, legislation to amend the State Liability Act, 1957 (Act No. 20 of 1957) is not desirable.

The Bill aims to amend the State Liability Act, 1957, to provide for structured settlements for the satisfaction of claims against the State in cases of medical negligence. The Bill is intended as an interim measure to address rising medico-legal claims against the State, pending the outcome of a larger investigation into medico-legal claims by the South African Law Reform Commission (SALRC).

The Committee notes that the SALRC finalized a Discussion Paper on Project 141: Medico-legal Claims for publication for general information and public comment during the first half of 2021. The Discussion Paper 154, Project 141 Medico-Legal Claims was then published for comment on 11 November 2021 with a closing date of 28 February 2022. The Committee is informed that the report is very close to being finalised.

The Committee is not in favour of piecemeal amendments to legislation and, therefore, recommends that legislation to amend the State Liability Act be tabled once the SALRC has concluded its investigations and after meaningful consultation with stakeholders, including the National Treasury and the Department of Health.

Report to be considered