

REPUBLIC OF SOUTH AFRICA

ROAD ACCIDENT FUND COMMISSION AMENDMENT BILL

*(As introduced in the National Assembly as a section 75 Bill; explanatory summary of Bill
published in Government Gazette No. 20962 of 6 March 2000)
(The English text is the official text of the Bill)*

(MINISTER OF TRANSPORT)

[B 12—2000]

REPUBLIEK VAN SUID-AFRIKA

WYSIGINGSWETSONTWERP OP DIE PADONGELUKFONDS- KOMMISSIE

*(Soos ingedien in die Nasionale Vergadering as 'n artikel 75-wetsontwerp; verduidelikende
opsomming van Wetsontwerp in Staatskoerant No. 20962 van 6 Maart 2000 gepubliseer)
(Die Afrikaanse teks is die amptelike vertaling van die Wetsontwerp)*

(MINISTER VAN VERVOER)

[W 12—2000]

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GENERAL EXPLANATORY NOTE:

- [] Words in bold type in square brackets indicate omissions from existing enactments.
- _____ Words underlined with a solid line indicate insertions in existing enactments.
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BILL

To amend the Road Accident Fund Commission Act, 1998, so as to further provide for the duties of the Commission with regard to its inquiry in terms of section 5(1); to extend the period within which its report has to be submitted to the President; and to provide for the extension of that period by the President; and to provide for matters incidental thereto.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 7 of Act 71 of 1998

1. Section 7 of the Road Accident Fund Commission Act, 1998 (Act No. 71 of 1998), is hereby amended— 5

- (a) by the substitution for subsection (1) of the following subsection:
- “(1) The Commission must **[complete]**, after completion of the inquiry referred to in section 5(1) **[within a period of nine months from the date of appointment of the members of the Commission in terms of section 3(1)]**, prepare a written report containing its findings and conclusions, and the recommendations referred to in section 5(2).”; 10
- (b) by the deletion of subsection (2); and
- (c) by the substitution for subsection (4) of the following subsection:
- “(4) (a) The Commission must submit its report to the President within a period of **[three]** 24 months from the **[completion of the enquiry]** date of appointment of the members of the Commission. 15
- (b) The President may, by proclamation in the *Gazette*, extend the period referred to in paragraph (a) if the Commission requests the extension of the period in writing.”.

Short title 20

2. This Act is called the Road Accident Fund Commission Amendment Act, 2000, and must be regarded as having taken effect on 1 June 1999.

MEMORANDUM ON THE OBJECTS OF THE ROAD ACCIDENT FUND COMMISSION AMENDMENT BILL, 2000

1. In terms of section 5 of the Road Accident Fund Commission Act, 1998 (Act No. 71 of 1998) ("the Act"), the Road Accident Fund Commission has to inquire inter alia into the system for the payment of compensation in the event of injury or death of persons in road accidents, problems experienced in this respect, and the financial condition of the Road Accident Fund. The Commission also has to consider representations which have been made and consider the issues raised and proposals contained in the White Paper on the Road Accident Fund, published in 1998.

2. In terms of section 7 of the Act, the Commission has to complete its inquiry within nine months from the date of appointment of its members (ie before March 2000), and has to submit a written report containing its findings, conclusions and recommendations to the President within three months from completion of the inquiry.

3. The Commission will not be able to complete the inquiry timeously and an extension of time has become necessary. The Bill therefore seeks—

(a) to extend the period within which the Commission has to complete its task; and

(b) to authorise the President to extend the period, if the Commission so requests.

In order to achieve this, subsections (1) and (4) of section 7 are amended and subsection (2) is deleted. (The matters contained in subsection (2) are now incorporated in the proposed subsection (1).)

4. The Bill is to be enacted with retrospective effect so as to avoid any complications occasioned by the Commission continuing with its inquiry after March 2000 and before the Bill takes effect.

CONSULTATION

5. The Road Accident Fund Commission has requested the extension. The Minister of Transport has proposed that the President be authorised to further extend the period, if the Commission so requests.

IMPLICATIONS FOR PROVINCES

6. None

FINANCIAL IMPLICATIONS FOR STATE

7. The expenditure concerning the performance of the functions of the Commission will be borne by the Road Accident Fund, and accounted for by the Acting Director-General: Transport. A budget, which will not include any capital expenditure, is in the process of being finalised for ratification by the Commission in conjunction with the Acting Director-General: Transport.

PARLIAMENTARY PROCEDURE

8. The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with section 75 of the Constitution since it contains no provision to which the procedure set out in section 74 or 76 of the Constitution applies.

