
Ms DP Magadzi, MP

Chairperson
Portfolio Committee for Transport
P O Box 15
Cape Town
8000

Dear Honourable Chairperson

**SALGA WRITTEN SUBMISSION ON THE PROPOSED ADMINISTRATIVE ADJUDICATION
OF ROAD TRAFFIC OFFENCES (AARTO) AMENDMENT BILL [B 38-2015]**

1. PURPOSE OF THE SUBMISSION

We would like to express our appreciation for the opportunity to provide input to the development of the Administrative Adjudication of Road Traffic Offences (AARTO) Amendment Bill. The AARTO Act was implemented on a pilot basis in the jurisdictional areas of the City of Tshwane and the City of Johannesburg in 2008 and 2009 respectively. Both cities raised concerns during the pilot phase of the Act. This submission from South African Local Government Association (SALGA), as the representative body of local government in the Republic, is made on behalf of municipalities to bring these concerns to your attention. Further, any input provided by SALGA should not be construed as substituting any input that you may have received directly from individual municipalities. Herewith, please receive our written submission for your consideration.

**2. WRITTEN SUBMISSION AND COMMENTS ON THE ADMINISTRATIVE ADJUDICATION
OF ROAD TRAFFIC OFFENCES (AARTO) AMENDMENT BILL [B 38-2015]**

2.1 General comments

2.2 The key features of the AARTO Amendment Bill, 2015:

- Proposes the renaming of RTIA from Road Traffic Infringement Agency to Road Traffic Infringement Authority;
- Proposes the service of Infringement Notices, Courtesy Letters and Enforcement Orders via electronic mail in addition to the traditional methods of service;
- Financing of the RTIA from penalties issued and collected by or on behalf of issuing

authority and further allows RTIA to open and maintain one or more banking accounts with the approval of the Board;

- Repeals the provision empowering the Registrar to issue warrants of execution against infringers, conversely allowing the RTIA to block an Infringer from renewing the driving licence, professional driving permit or licence disc until such time as the enforcement order issued by the Registrar has been complied with or revoked

The pilot municipalities raised issues in terms of repealing section 21 which deals with the issuing of warrants. The proposed repeal means that the failure to comply with an enforcement order will be dealt with in terms of section 20(5) of the Act. This section provides that an infringer who does not comply with an enforcement order may not be issued with a driving license, professional driving permit or license disc, in respect of a motor vehicle registered in the name of an infringer, until such enforcement order has been complied with or has been revoked. SALGA is aware of the intentions of the principal Act which is to reduce road traffic fatalities on South African roads but is concerned about the unintended socio-economic and political impacts of this provision. We are of the view that there must be a provision built in the Act to address the unintended consequences. For example RTIA must consider establishing and administering rehabilitation programmes associated with the provisions of section 20(5) of the Act.

Secondly, SALGA would like to bring to the attention of Parliament that there are high costs associated with section 30 of AARTO Act which requires service of infringement notices via registered mail. While we support the new provision of service of Infringement Notices, Courtesy Letters and Enforcement Orders via electronic mail, in addition to the traditional methods of service, we are concerned about the financial implication to municipalities who are issuing authorities in remote areas where there is limited exposure to technology. We are of the view that RTIA in consultation with the South African Post Office (SAPO) should find less expensive means of serving Infringement Notices, Courtesy Letters and Enforcement Orders outside of the prescribed registered mail.

2.3 Clause 5, 6 and 7

Repealing of section 21 of the principal Act which provided for warrants to be issued by the Registrar and the proposal for this to be dealt with in terms of section 20(5) of the Act (which provides that an infringer who does not comply with an enforcement order may not be issued with a driving license, professional driving permit or license disc, in respect of a motor vehicle registered in the name of an infringer, until such enforcement order has been complied with or has been revoked) has unintended socio-economic and political consequences. Both corrective and punitive measures need to be provided for in the legislation. Legislation should not seek to only discipline but must also provide for remedial measure. We therefore propose that the Act must make to establish and administer rehabilitation programmes associated with the proposal.

2.4 Clause 9

The proposed amendment providing for service of documents by means of postage and electronic service is welcomed. However the postage element of the Act should not prescribe registered

mail as the only option. SAPO and RTIA should find creative ways where the same intention of a registered mail is provided for by a less expensive option in order to curb the high cost associated with registered mail. For example in the City of Johannesburg the cost of registered mail is approximately R10 million per month. The provision of registered mail as the only option for postage will bankrupt municipalities and will have negative financial implications to local government. SAPO and RTIA should find other less expensive ways to deliver on the same objectives. There is a perception that revenue of the issuing authorities and the RTIA will be increased due to the provision of electronic methods of service, which will also drastically reduce the cost of registered mail as is currently the case. However, this provision doesn't address the majority of our people and authorities in the rural areas where there is limited internet connection. Inhabitants in rural areas with limited internet connection will mostly likely be served notices via registered mail which will have a direct financial impact to municipalities.

3. CONCLUDING REMARKS

Organized Local Government is particularly concerned about the assumption that the majority of the people of South Africa will benefit from the provision of electronic methods of service as proposed by this Bill. This provision will only benefit people in urban areas and especially those who have internet connection. Most people in rural areas, previously black segregated areas and informal settlements will not benefit from this provision.

Yours sincerely,

THABO M MANYONI

CHAIRPERSON

DATE: 31 August 2016