

AARTO Act Amendment Bill, 2015

**National Road Traffic Offences Register
(NRTOR) Definition**

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**Answers to questions raised after
presentation added in Red**



National Contraventions Register (NCR)



Legislation References

- In terms of section 1 of the AARTO Act, 1998 (Act No 46 of 1998): the “***“national contraventions register”*** means the ***National Traffic Information System*** on which the offence details of every individual are recorded in terms of this Act;”
- National Traffic Information System = eNaTIS



Legislation References

- Regulation 1 of the AARTO Regulations, 2008, determines that:

“In these regulations, any word or expression which has been defined in the Act has that meaning and any word or expression defined in the National Road Traffic Act, 1996 or the Road Traffic Regulations, 2000 has that meaning,”

Legislation References

- Regulation 1 of the Road Traffic Regulations, 2000, determines that:

“National Traffic Information System” means the computerised National Traffic Information System that is used as a register that supports the National Road Traffic Act, 1996 (Act No. 93 of 1996) and Regulations also known as the NaTIS and include but is not limited to the



Legislation References

- *register of authorised officers (incl traffic officers),*
- *register of motor vehicles,*
- *register of driving licences,*
- *.....,*
- *register of operators,*
- ***register of contraventions,***
- *register of accidents and*
- *register of traffic register numbers;”*



Legislation References

- Definition for eNaTIS was inserted into the NRTRs with GNR.404 w.e.f. 4 May 2007 and substituted by GNR.846 w.e.f. 31 October 2014.
- AARTO Act was promulgated in 1998
- 9 years before the definition for NaTIS was inserted into the NRTR's



Legislation References

- Therefore, the AARTO Act referred to the eNaTIS long before the definition was inserted
- AARTO Regulations was promulgated in 2008
- After the definition for NaTIS was inserted
- With the clear intention that NaTIS would be the designated system



Legislation References

- **I.e. it was always the intention that the NCR be a module of the eNaTIS**
- **It was always the intention that the NaTIS provides for the functionality required by AARTO**
- And eNaTIS does, in fact, currently provide for that functionality



Required by NDoT

- A combined letter of NDoT & RTMC was issued to all Provinces: 30 March 2007 (9 years ago)
- Signed by the COO: DoT & Acting CEO: RTMC
- “*DEVELOPMENT OF THE AARTO AS PART OF THE ENATIS*”
- “*phase one of AARTO has been prioritised to be developed with release six of the eNaTIS*”



Required by RTIA

- A letter was issued by the RTIA to Tasima: 22 Feb 2013
- Copying the DG: Transport
- *“the NCR has been identified as the system on which all infringements will be recorded and which will administer the complete AARTO process”*

Why on the eNaTIS?

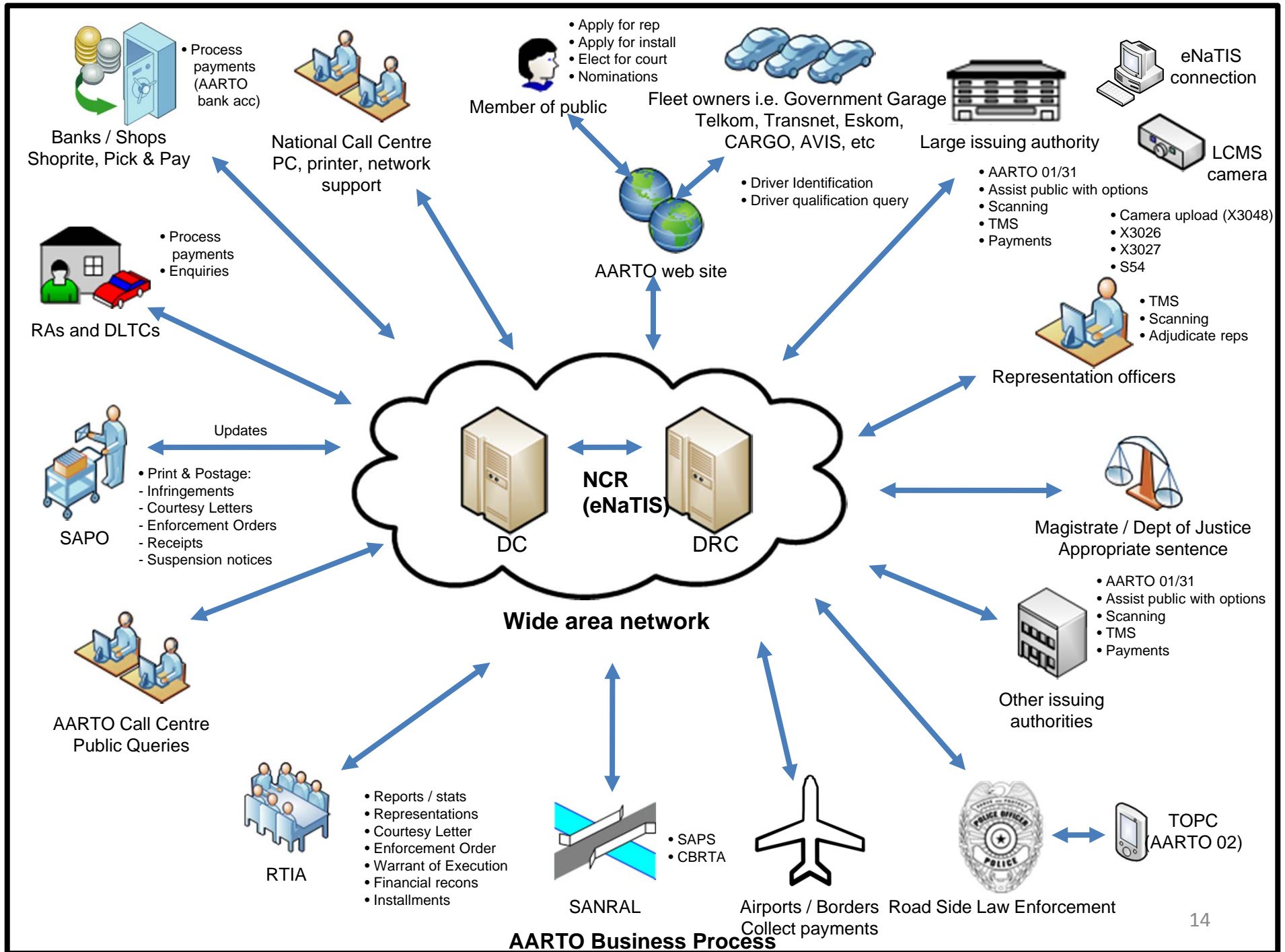
- All system infrastructure, development and support systems and teams and equipment are already in place
- eNaTIS is deployed country-wide to all offices and issuing authorities
- Users are registered on eNaTIS
- Basics are in place



Why on the eNaTIS?

- eNaTIS has all the records of all the
 - Traffic Officers
 - Vehicles
 - Drivers
 - Operators (the actors within AARTO)
- NCR is an integral module of the eNaTIS
- All information and data on one system
- It makes business sense





eNaTIS Modules

- 20 Different but integrated modules
- Foundation modules
- User groups and workstations
- User administration and management
- Recording of persons/organisations and their personal information
- Administration of fees collected in terms of Road Traffic legislation
- Management reports

eNaTIS Modules

- Motor vehicle registration and licensing
- Operators
- Registration of traffic officers
- Issue of learner's licences
- Issue of driving licences
- Issue of professional driving permits (PrDP's)
- Administrative adjudication of road traffic offences (AARTO)
- Recording of accidents

NCR status

- Significant investment since 2007
- Most of development since 2007 has been focussed on AARTO
- Is functional and operational
- Has been extensively used & tested in the pilot areas since 2008 and all required functionality has been added
- All aspects of the NCR have been tested and approved
- NCR is the only available system that provides for AARTO



NCR status

- Currently not optimally operated by IA's & RTIA, **i.e. No camera or parking infringements, courtesy letters or enforcement orders are issued**
- No formal notification of any outstanding issues or problems
- Has been ready for national roll-out for a number of years. **RTIA is to indicate why further roll-out has not yet taken place.**



NCR status

- No limitation on volume of infringements (e.g. JMPD did 500 000+ per month)
- NCR has been developed in such a manner that smaller IA's would not need an extra system.
- NCR provides for camera uploads and by-laws can also be accommodated



NCR status

- All current infringements are already fully administered on the NCR
- The NCR facilitates reconciliations/ disbursements/ apportionments of penalties and fees on a national basis
- Auditability and traceability on a national basis is available to all offices
- Maintains the security of private information on one system



NCR status

- The NCR currently:
 - Automatically submits notices and documents to SAPO for printing and posting
 - Automatically stops the issue of a licence disc/driving licence/PrDP if an enforcement order is outstanding
- The NCR provides for all required functionality

NCR status

- First step is to implement the AARTO processes fully then demerit points
- Have one system (NCR instead of multiple stand alone 3rd Party systems) that maintains all contraventions. Ensure that all operational processes work 100% before activating demerit points
- Implement the basics to handle 95% of all cases (the 5% will be items like infringements committed by diplomats)
- This alone should have a significant impact on driver behaviour



NCR status

- The exceptions may still be handled under the CPA until a proper solution under AARTO has been formulated
- Step by step implementation/improvement
- The NCR has been ready for immediate national implementation (waiting for date to be published by Minister)
- Change Management Proposal made to RTIA in 2012 to implement AARTO at a Municipal area in each Province for Provinces to become accustomed to AARTO & NCR for further implementation



NCR status

- The following operational/change management requirements should be attended to without undue delay once the government makes a final decision on the rollout of AARTO in an area:
 - Training of officers
 - Procurement of books
 - New charge books
 - Configuration of local PC's, printers, scanners to access the NCR (eNaTIS)
 - Public awareness
 - New operational processes
 - On-site support may be required at larger IA's (Provinces need to be empowered to support IA's)



NCR status

- The NCR in future will (when implemented):
 - Automatically allocate demerit points
 - Facilitate the suspension/cancellation of PrDPs/driving licences/operator cards
 - Automatically re-instate PrDPs/driving licences/operator cards after the period of suspension
- All integrated into one system
- **NCR is the only available system that supports AARTO**



NCR status

- Some minor enhancement proposals with the RTIA since late 2013. Awaiting feedback
- Not sure what is meant by “*system related deficiencies in the operation of the national traffic register*” as per the Transport Committee Meeting of 17 May 2016 (where the AARTO Amendment Bill, 2015 was discussed). **Tasima is prepared to respond if specific queries are communicated to Tasima**



National Road Traffic Offences Register (NRTOR)



Replacement of the NCR and eNaTIS

- With Section 1(h) and 1(i) of the Bill, 2015, the RTIA intends to replace the definition of “***national contraventions register***” with the definition of “***National Road Traffic Offences Register***”



Replacement of the NCR and eNaTIS

- Section 1 (h) deletes the definition of the “***national contraventions register***” (NCR)
- Section 1 (i) inserts the new definition of the “***National Road Traffic Offences Register***” (NRTOR).



Replacement of the NCR and eNaTIS

- The “***National Road Traffic Offences Register***” means the National Road Traffic Offences Register administered by the Authority in which the details of infringements and offences of every infringer are recorded;”.
- ‘***Authority***’ means the Road Traffic Infringement Authority, established in terms of section 3;”. I.e. the RTIA



Replacement of the NCR and eNaTIS

- Paragraph 5.6 of the memorandum states:
“The Bill provides for the National Road Traffic Offences Register that is to be administered by the Authority. The National Road Traffic Offences Register records and contains all the electronic details of infringements and offences of every infringer throughout the country.”



Replacement of the NCR and eNaTIS

- Note that the reference to the National Traffic Information System (eNaTIS) in the definition is completely removed
- Par 5.6 also does not mention the eNaTIS
- The NRTOR is to be “administered” by the RTIA
- No mention of the National Department of Transport who is the owner of the eNaTIS



Replacement of the NCR and eNaTIS

- eNaTIS is administered by the NDoT and Tasima
- Tasima is the contractor and operates the eNaTIS
- As a user, the RTIA is welcome to state its requirements. Numerous requirements have already been included
- It appears that the draft legislation suggests that the RTIA will establish a completely different system, the NRTOR



Replacement of the NCR and eNaTIS

- If so, the new NRTOR will need to have the same functionality & data as the NCR as part of the eNaTIS
- If a separate system, the NRTOR will require similar core infrastructure, development environment and teams, network and site equipment as the eNaTIS
- The NRTOR will basically be a duplication of what has already been provided for



Replacement of the NCR and eNaTIS

- If a new system is to be established, the cost of the NRTOR will run into hundreds of Millions of Rands over many years.
- Obviously, this will delay the roll-out of AARTO even longer
- Par 4 of the memo to the Bill does not mention any financial implications due to the replacement of the definition of the NCR by the NRTOR



Replacement of the NCR and eNaTIS

- If the eNaTIS is not to be used in future, the investment into eNaTIS (NCR) to date will be fruitless/wasteful
- Significant additional development will be required on the eNaTIS to accommodate a separate system **as it cannot function without interfacing to eNaTIS**



Replacement of the NCR and eNaTIS

- Numerous (20+) interface transactions required as data would have to be maintained on both systems as transactions can take place on both systems, blocking of discs, suspension of licences, etc
- The NRTOR does not exist at all. The establishment of the NRTOR must start from scratch
- No guarantees that the new NRTOR will work and that there will not be any issues
- Establishment and implementation of the NRTOR will require substantial monetary outlay and take many years (in Tasima's experience, in excess of four years)



Replacement of the NCR and eNaTIS

- The establishment of the NRTOR will likely require at least the following:
 - Feasibility study and approval
 - Cost/benefit analysis and approval
 - State approval. Failure to approve will result in further delays in establishment and implementation
 - Tender documents, adjudication, award, contract
 - Development of NRTOR, establishment of system infrastructure
 - Development of transaction interfaces on eNaTIS (in parallel)
 - Testing
 - Again piloting for X years?, etc
- All of the above will most probably take in excess of four years.



Replacement of the NCR and eNaTIS

- If the intention is to implement a separate system, the memorandum to the Bill needs to:
 - State the problem with the current developed and implemented system which is operational and working effectively within the Pilot Area (Johannesburg and Tshwane)
 - Motivate the requirement for an alternative new system
 - Expand on the financial implications
 - Set out the steps to be followed and time-scales
- The current wording of the draft legislation for the definition of the NRTOR creates confusion



Naming convention change



Naming convention change

- The RTIA indicated in a letter dated 08 Aug 2014 that the amendment is “*nothing more than a naming convention*”
- Also, that it is **NOT** the intention of the RTIA “*to neither encroach nor derogate the functionalities of the National Contraventions Register.*”

Naming convention change

- The RTIA also indicated that **NO** contemplation is being made that the ***National Offences Register*** (now re-defined as the NRTOR) is intended to replace the ***National Contraventions Register*** on the eNaTIS.
- I.e. the real & true intention is to retain the National Contraventions Register as provided for on the eNaTIS for AARTO, but merely to rename it



Naming convention change

- The letter was copied to:
 - Minister of Transport
 - Deputy Minister of Transport
 - Director General of Transport (acting)
 - DDG: Road Transport
 - CIO of NDoT
- However, the draft legislation does not reflect the above intention

Recommendations



Clarity over the long-term

- Clarity of the definition
- Clarity of interpretation
- Close any gaps for any possible future misinterpretation



Remove the definition of NRTOR from the Bill

- Retain the definition of “***national contraventions register***” as is
- No need for subsequent Regulation amendments to both the AARTO Regulations and the NRTRs
- Proposed to RTIA in letters dated 22 July 2013 and 29 July 2014. **RTIA responded that it is merely a naming convention change. RTIA to indicate why the amendment is more than just a naming convention change.**
- “Contraventions” includes both offences & infringements



Reword the definition

- Reword the definition for the NRTOR as follows:

“National Road Traffic Offences Register”
means the National Traffic Information System in which the details of infringements and offences of every infringer are recorded in terms of this Act”

- To specifically retain the reference to the eNaTIS
- Regulation amendments would be required



Summary

- AARTO (NCR) already exists on eNaTIS:
 - Is fully functional and operational
 - Successfully tested in pilot
 - No further development required for immediate implementation
 - Waiting for go-live from RTIA
- NCR exists on eNaTIS
- NRTOR does NOT exist in any form
- Recommendation:
 - Remove definition of NRTOR from the Bill
 - Retain definition of NCR as is
- Use eNaTIS for AARTO. It is ready for national implementation and has been piloted extensively.



Other questions / issues raised during Q&A session not addressed in previous slides

- The allegation that Tasima has a conflict of interests:
 - Unfortunately the Honourable Member who raised this question only returned midway during presentation
 - At the beginning of the session, the presenter, Mr van Eeden, introduced himself as a representatives of Tasima with extensive experience in the NaTIS/eNaTIS and road traffic system environment since 1989. Tasima's involvement in the development of AARTO functionality embedded in eNaTIS was clear from the presentation
 - We were invited by the Portfolio Committee of Transport to present as Tasima
 - Tasima's capacity to manage the eNaTIS and various aspects of the road traffic administration is well-established.
 - The presentation is factual in relation to what functionality exists and the history of the matter
 - The rationality of using eNaTIS is manifest
 - The question as to whether the NRTOR should exist in parallel with the NCR, or replace the NCR, is completely removed from whether Tasima operates the eNaTIS system. Tasima will (in accordance with the law and proper process) transfer the eNaTIS system in the future.



Other questions / issues raised during Q&A session not addressed in previous slides

- Tasima's interest in the Amendment Bill
 - NCR is already developed, fully operational and ready for implementation beyond the Pilot Areas
 - Tasima's recommendation seeks clarity on the definition of NCR and NRTOR. i.e. to be specific on the definitions for the effective and efficient implementation of AARTO
 - Tasima's recommendation is to prevent additional costs to the state associated with developing another system whilst the required functionality (NCR) already exist in the eNaTIS system.
- eNaTIS and Legal update:
 - The Constitutional Court case (CCT 5/2016) was heard on 24 May 2016. Awaiting judgment.
 - Tasima has brought 12 contempt of court applications against the National Department, the RTMC and their officials, and has been successful in each one
 - Tasima would welcome a separate session to present an overview of eNaTIS and discuss status of legal matters / court cases. Provide list of questions & issues so that Tasima can prepare for such a session.
 - If required, Tasima can present an overview of the NCR.so that the Committee so that the most appropriate decisions for the long term can be made

