



Southern African Bus Operators Association

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SABOA

17 March 2017

B10/32

Ms D P Magadzi

Chairperson

Portfolio Committee on Transport

P O Box 15

CAPE TOWN

8000

Dear Ms Magadzi

COMMENTS ON THE ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES AMENDMENT BILL

The Southern African Bus Operators Association (SABOA) wishes to express its sincere appreciation to the Portfolio Committee on Transport for affording it the opportunity to comment on the Administrative Adjudication of Road Traffic Offences Amendment Bill.

Our comments are as follows:

1. General comments

SABOA supports the objectives of the Administrative Adjudication of Road Traffic Offences Act to enhance road safety and to introduce an administrative system to alleviate the burden on the courts of trying offenders for infringements.

SABOA is however concerned about the demerit points system which provides for demerit points for virtually each and every road traffic infringement. We believe this is not in line with the objectives of the Act to enhance road safety. To introduce demerit points for minor offences such as parking infringements will not improve road safety.

SABOA has on a number of occasions liaised with the Road Traffic Management Corporation (RTMC) regarding its concerns as well as participated in the Nedlac

process during which it was proposed that the demerit points system should be limited to infringements which have a direct impact on road safety. This relates to infringements such as speeding, reckless driving, driving under the influence of alcohol and substances, un-roadworthy vehicles, driver fitness etc.

SABOA's concerns relate to the fact that each and every traffic offence will attract demerit points, whether or not it is related to road safety, the cost to the operator to obtain information on a regular basis to ascertain the demerit points position of each of its drivers, labour-related issues in respect of drivers who have exceeded the limit of 12 points etc.

The lack of updated information on the demerit points system and whether the RTMC has taken cognizance of the industry's concerns is of great concern to SABOA. The demerit points system is a very important element of AARTO and clarity regarding this system is required.

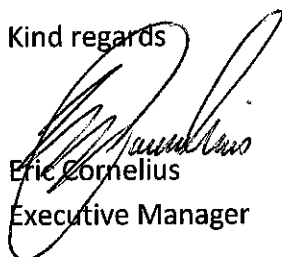
2. Specific comments

Clause 9 of the Amendment Bill amends section 30 of the Act which relates to the serving of documents.

It is proposed that documents be served by registered post and electronic service and not "by postage or electronic service" as outlined in the Amendment Bill. In paragraph 2.9 of the explanatory memorandum it is stated that documents will be posted **and** sent by electronic service. Electronic and postal services are not sufficiently reliable and sending documents by registered post remains important. It is also proposed that a definition for "registered postage" be included in the Amendment Bill.

The period of ten days for serving documents after which it will be deemed to have been served is also not sufficient especially if it is sent to remote areas in the country. Strikes of post office staff could also affect this period. It is therefore proposed that a period of 21 days should be provided for in the Amendment Bill for the serving of documents.

Kind regards



Eric Cornelius
Executive Manager