



RTIA
Road Traffic Infringement Agency
Justice in Adjudication

Overview of the AARTO Amendment Bill & the Points Demerit System

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Background

The Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) (the Act) seeks to promote road traffic quality by:

- providing for a scheme that discourages road traffic contraventions and
- facilitate the efficient adjudication of road traffic infringements.

Background

Objectives of the Act:

- encourage compliance to road traffic laws
- encourage payment of penalties
- establish procedure for effective and expeditious adjudication of road traffic infringements
- alleviate the burden on courts
- penalise infringers through the allocation of demerit points
- reward good behaviour through the reduction of demerit points

Background

The Act was passed in 1998 and amended 3 times

- Amendment Act No 22 of 1999 to substitute definition of issuing authority, regulate execution of warrants, further provisions for service of documents, further regulate apportionment of penalties, to repeal section 6 of Finance & Financial Adjustments Acts Consolidation Act, 1977 and incidental matters

Background

- Amendment Act No 24 of 2000 to regulate the appointment of Registrar, Deputy Registrars and Representation Officers
- Amendment Act No 72 of 2002 to regulate the composition of the RTIA Board, appointment of sheriffs, increment of payment period for infringement fines and incidental matters

Mandate

The AARTO Act No. 46 of 1998 legislates for three different matters



Mandate

- Promulgated in restricted jurisdictions in 2008 in order to:
 - test the applicable systems, processes & procedures
 - Assess the impact on operations
 - Determine the relevance of the legislative framework
 - Identify weakness & implement applicable interventions prior to rollout

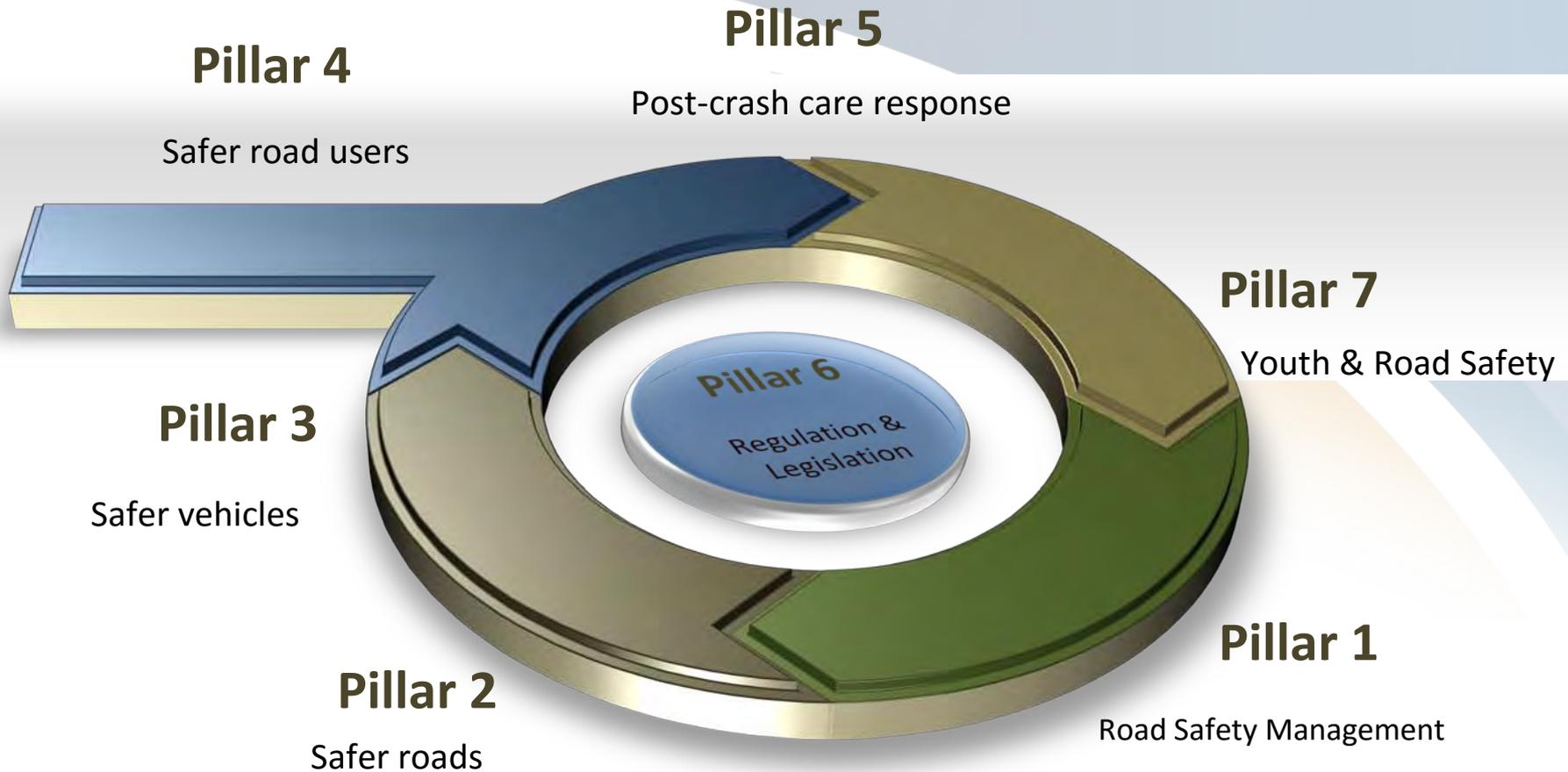
Mandate

- A number of deficiencies were identified in the pilot report from 2010
- Applicable interventions made in respect of:
 - Systems functionalities & business processes
 - Related legislative interventions were made to regulations
 - Amendments to the Act were developed and published for comments
 - Process awaiting parliamentary consideration and promulgation

Justification for Amendments

- Amendments proposed to the Act are a Constitutional imperative
- They are based on the vision of the National Development Plan & the country's commitments to the *United Nations Decade of Action for Road Safety*
- Made in line with international best practice
- Aligned to technological innovations and developments

UN Decade of Action for Road Safety Pillars



UNDoARS Pillar 4

Under the UN Decade of Action, the RTIA impacts on the following imperatives



ACTIVITY 1

- Increase awareness of R/S risk factors
- Promotion of prevention measures
- Social marketing for behavioural change

ACTIVITY 2

- Compliance with speed limits & foster evidence based standards
- Reduce crashes & injuries

ACTIVITY 3 & 4

- Reduce alcohol related crashes
- Reduction of head injuries & motor cycle crashes

ACTIVITY 5 & 6

- Promote use of seat-belts & child restraints
- Transport & OHS for freight, fleet & public transport

ACTIVITY 7 & 8

- Research & Policies for work-related Road Safety PPP & informal sectors
- Graduated Driver Licensing Systems

Situational Analysis

- Road carnage is a global problem affecting all sectors of society
- Road Traffic Crashes kill more than 1.3 million road users worldwide annually
- 50 million injured per annum
- The RTIA must in conjunction with other role players within the Government and NGO environments strive to limit the number of crashes on our road network
- The RTIA will through the AARTO system and related activities positively contribute to creating a safer road environment and the same time create a culture of voluntary compliance to road rules

Situational Analysis

One of South Africa's Great Challenges!!!

To significantly reduce the carnage on our roads!

Situational Analysis

*Some
Problems
On the roads.
Look familiar?*



Situational Analysis

*How about
Drunk
Driving?*



Legislative Interventions

- It comes as a response to the following challenges:
- Reduction of carnage on our roads by 50% in 2020.
- + 90% of all road accidents are preceded by a road traffic offence
- Need to improve road-user perceptions, attitudes and behaviour
- High rate of non-compliance with traffic regulations,
- Non-finalization of offences and an administrative burden of the CJS

Legislative Interventions

- Seeks to amend the AARTO Act in the following aspects:
 - Operational efficacy and financial viability for Issuing Authorities & roleplayers
 - Amends the RTIA from being an Agency to an Authority
 - Systems readiness, convenience and operational compatibility for implementation of AARTO
 - forge closer relations between enforcement and the adjudication processes, whilst upholding objectivity, transparency and fairness
 - Introduce rehabilitation programmes

Legislative Interventions

- Empowers the Agency through its Board to open a bank account
- Empowers the Agency to issue a thirty two (32) day notice on insufficient payments, instead of warrant
- Repeals section 21 (which deals with warrants)
- In addition to existing methods of service, the Bill introduces electronic method of service
- Apportionment of Penalties
- Transitional provisions
- General provision and consequential amendments

The Amendment Bill

- Introduces financial prudence and cost-cutting mechanisms through electronic service
- Motorists and especially large fleet operators will benefit from drastically reduced costs of service
- Provides for interactive processes between authorities and infringers (eg, electronic nominations, representations, etc)

The Amendment Bill

- **Apportionment of Penalties**

- The Bill proposes the sharing of penalties paid in instances where the infringer makes a deposit into the bank account of the Agency, in which instance the Agency having deducted its administrative costs pays over the remainder to the relevant issuing authority

- **Transitional provision**

- Section 35(1) of the principal Act is amended by the substitution for the word “offence” with “infringement”
- Notice already issued in terms of the Criminal Procedure Act(CPA) should proceed to be finalized in terms of the CPA process

- **General provision and consequential amendments**

- Minor / major infringement is replaced with infringement
- National Contraventions Register (NCR) is replaced with National Offences Register (NOR)

The Amendment Bill

- The AARTO Amendment Bill, 2015 was published in Government Gazette No. 36613 dated 28 June 2013
- A wide range of stakeholders were consulted in the preparation of the draft Bill, including amongst others the following:
 - Department of Justice and Constitutional Development
 - National Prosecuting Authority
 - South African Police Services
 - Road Traffic Management Corporation
 - Metropolitan Police Departments
 - Provincial Departments of Transport
 - Justice & Crime Prevention Cluster
 - NEDLAC
 - SALGA
 - Members of the public

The Amendment Bill

The Department and State Law Advisors are of the opinion that this Bill must be dealt with in accordance with the procedure prescribed by section 76(1) or (2) of the Constitution since it falls within a functional area listed in Schedule 4 to the Constitution, which is “ road traffic regulation”

- Bill has served before the following committees; DEVCOM,JCPS and Cabinet Committees,
- All the related pre-certifications were obtained from the State Law Advisor,
- The Bill was formally tabled at the National Assembly in December 2015 & is expected to be promulgated during the 2016/17 period
- The Bill will be a precursor to the national implementation of AARTO

