



ROAD TRAFFIC INFRINGEMENT AGENCY (RTIA) ANNUAL REPORT 2012/13 ANALYSIS

10 October 2013

1. Introduction

The RTIA derives its mandate from the Administrative Adjudication of Road Traffic Offences (AARTO) Act (No. 46 of 1998). The AARTO Act stipulates that the objects of the RTIA are, despite the Criminal Procedure Act (No. 51 of 1977), to:

- Encourage compliance with the national and provincial laws and municipal by-laws relating to road traffic and to promote road traffic safety.
- Encourage the payment of penalties imposed for infringements and to allow alleged minor infringers to make representations.
- Establish a procedure for the effective and expeditious adjudication of infringements.
- Alleviate the burden on the courts of trying offenders for infringements.
- Penalise drivers and operators who are guilty of infringements or offences through the imposition of demerit points leading to the suspension and cancellation of driving licences, professional driving permits or operator cards.
- Reward law-abiding behaviour by reducing demerit points where they have been incurred if infringements or offences are not committed over specified periods.
- Establish an agency to support the law enforcement and judicial authorities and to take the administrative adjudication process.
- Strengthen cooperation between the prosecuting and law enforcement authorities by establishing a Board to govern the agency.

For the period under review, the RTIA committed to the following strategic objectives:¹

- Increasing the Agency revenue share from the outstanding road traffic infringement penalties.
- Implementing effective governance processes to achieve an unqualified audit opinion.
- Implementing effective adjudication processes.
- Comprehensive legislative review.
- Full transfer of AARTO functions to the RTIA.

2. Overall Performance and Achievements for 2012/13

Of the total number of 6 targets planned for the year under review, 2 were not achieved. This represents 30% of the targets that were not achieved. According to the Auditor-General (AG), the inability to meet some of the targets emanated from "the fact that indicators were not suitably developed during the strategic planning session".²

¹ Road Traffic Infringement Agency (2013), p. 146.

² *Ibid*, p. 167.



The two planned targets that were not achieved were increasing the Agency revenue share from the outstanding road traffic infringement penalties, as well as the full transfer of AARTO functions to the RTIA. Instead of collecting R50 million during the year under review, the RTIA had collected R49 million at the time of tabling its Annual. It was reported that the non-transfer of AARTO National Bank Accounts from the Road Traffic Management Corporation (RTMC) to the RTIA negatively impacted on the RTIA's ability to collect all its outstanding revenue. At the time of tabling its Annual Report, the RTIA stated that it was awaiting a response from the Department of Transport (DoT) to a letter of request for the DoT to facilitate the transfer of AARTO Bank Accounts to the Agency.

Pertaining to the AARTO functions being transferred to the RTIA, the Agency maintained that the National Treasury had requested the DoT to facilitate the transfer of AARTO Bank Accounts and other related functions to the Agency. The RTIA was waiting for the decision of the DoT given the objections raised by the RTMC.³

Issue for consideration:

- Have the AARTO National Bank Accounts been transferred to the RTIA?
- What are the relevant details pertaining to the objections that were raised by the RTMC?

3. Report of the Auditor-General

During the reporting period, the RTIA received an unqualified audit opinion. However, the AG made the following findings:⁴

- Courtesy and enforcement letters not issued: The Agency did not issue and serve any courtesy and enforcement letters to traffic infringers for the period September 2012 to 31 March 2013 and this was in contravention of section 19 and 20 of the AARTO Act.
- Leadership: There was a lack of oversight responsibility and proper review regarding the financial statements preparation and related internal controls. Indeed, this finding was – albeit mildly – reaffirmed by the RTIA's Audit Risk Committee which asserted that “the internal controls evaluated during those audits were partially adequate and effective”.⁵ In addition, issuing authorities had not managed the infringement process in alignment with the AARTO Act and this limited the RTIA to effectively execute its traffic infringement enforcement mandate.

³ Road Traffic Infringement Agency (2013), p. 154.

⁴ *Ibid*, p. 168.

⁵ *Ibid*, p. 164.



Issues for consideration:

- Why were the courtesy and enforcement letters to traffic infringers for the period between September 2012 and 31 March 2013 not issued?
- The RTIA should brief the Committee whether it has taken any corrective measures in response to the AG's findings, particularly as they relate to internal controls.

4. Human Resource Management

For the year under review, the RTIA started with 22 staff and increased its complement by 17 (72%) to a total of 38. Of these, 33 (86.84%) were African, 3 (7.89%) were Coloured and 2 (5.26%) were White. In terms of gender, 23 (60.53%) staff members were male and 15 (39.47%) were female.

Two managers whose duties are directly related to the Agency's mandate were transferred from the RTMC, thereby increasing the Agency's capacity to perform its functions. The total staff complement of 38 at year end resulted in a total of 37 (49%) under-capacitation for the Agency when compared to the target of 75, as set out in the approved plans.⁶

References

Road Traffic Infringement Agency (2013). *2012/13 Annual Report*.

⁶ Road Traffic Infringement Agency (2013), p. 30.