

***Report of the Portfolio Committee on Transport Portfolio Committee dated 8<sup>th</sup> May 2018, is as follows:***

**1. *Terms of reference***

The Administrative Adjudication of Road Traffic Offences Amendment Bill [B38B-2015, the (AARTO Bill) was referred to the Portfolio Committee on Transport by the Honourable Speaker. The terms of reference of the Committee were to consider the bill, conduct public hearings within the Eastern Cape Province so as to obtain public inputs and formulate negotiating and final mandates.

**2. *Method of work***

Hon Xhanti (Chairperson), and the Legal Advisor attended a briefing on the Administrative Adjudication of Road Offences Amendment Bill at the National Council of Provinces (NCOP). The Portfolio Committee also received a briefing on the Bill from the Permanent Delegate, Hon. M. Rayi, the Department of Transport and Road Traffic Infringement Agency.

The Committee decided to conduct public hearings around the Province with view to get inputs from relevant stakeholders who are affected by the Bill and the general public so as to be in a position to formulate negotiating and final mandates which would be informed by representations from the relevant stakeholders and the public in general.

Public hearings were held from 19-23 March 2018 across the Province

**3. *Summary of Public Inputs***

**3.1 *Nelson Mandela Metro Municipality (PE, Uitenhage, Northern Areas, Kwazakhele & Motherwell)***

**(1) Jeff Mosemola Hall -Uitenhage**

Stakeholders in attendance:

- Uitenhage Taxi Association
- Traffic Officers
- Community members

**Inputs**

- (a) The percentage of the fine that goes to the Agency is a concern.
- (b) The Bill is silent on what action will be taken if the infringer is unemployed.

- (c) The burden of proving one's innocence lies with the offender in the Bill compared to it lying with the court presently. This can be disadvantageous to the offender.
- (d) The Bill does not take into consideration the state of the road infrastructure in the country when dealing with traffic offences.
- (e) The Bill provides for the establishment of an Authority. This is a concern as government should be dealing with the shortage of Traffic Law enforcement officers and the necessary tools of trade.
- (f) Government should look at the possibility of creating a unit within the Department of Transport that will deal with traffic offences instead of establishing an Authority with a CEO.
- (g) The Bill will be punishing road users instead of addressing the underlying factors.
- (h) It was suggested that infringers should be able to pay fines anywhere in the country and not only where the offence was committed.
- (i) The court processes should be retained as this may have unintended consequences.

The Bill was not supported.

(2) Gelvandale Community Hall- Northern Areas:PE

Stakeholders in attendance:

- Community members
- Algoa Taxi Association

Inputs

- (a) The Bill must re-look at the clause that is doing away with the classification of infringements. There must be a difference between minor and major offences,
- (b) The invisibility of cameras for speed traps must be made a requisite in the Bill.
- (c) The demerit system is not accepted.
- (d) The road infrastructure must be improved before the Bill is implemented.

The Bill was supported except for the Algoa Taxi Association which rejected the Bill.

(3) Lillian Ngoyi Community Hall-KwaZakhele

Stakeholders in attendance:

- Community members

Inputs

- (a) The non-categorization of infringements is a problem.
- (b) Before the Bill is implemented, government must improve the roads in the townships. These must include visibility of road markings and signs.
- (c) The Bill must have tougher sanctions for drivers who drive without licenses.

The Bill was supported.

(4) N.U.2 Community Hall-Motherwell

Stakeholders in attendance:

- OUTA
- Algoa Bus Company
- Department of Transport
- PEDTA
- ECIDTA
- Community members

The hearing did not take place as there was no one in attendance.

(5) City Hall: Port Elizabeth

The hearing did not take place as only 2 Members from the Organization Undoing Tax Abuse, a Member of the Long Distance Taxi Association, PE and District Taxi Association, a representative from the Algoa Bus Association and a student from the Nelson Mandela University. These stakeholders were requested to submit written submissions.

**3.2 *Alfred Nzo And OR Tambo Districts (Ntabankulu, Matatiele, Mt Frere, Mt Ayliff & Tsolo)***

(1) Ntabankulu

Stakeholders in attendance:

- Department of Transport
- Ntabankulu Bus Association
- Uncedo Taxi Association
- U.S.T.A

- Community members

#### Inputs

- (a) The community felt that the Department of Transport must increase the number of Traffic Officers for visibility on the roads in order for motorists to obey road regulations instead of amending the bill.
- (b) The government must regulate liquor trading hours effectively so as to reduce alcohol abuse especially in rural areas and in small towns as many drivers consume alcohol until early hours of the morning and cause fatalities on the roads.
- (c) The government must ensure that roads are in good condition and are maintained to minimize road accidents as the potholes can cause an accident when a driver swerves a car to avoid a pothole.
- (d) The meeting felt that the 12 points threshold is too low it must be increased.
- (e) The Bill will mostly affect the taxi industry as it is the taxi operators who are always on the road unlike those who drive to and from work only.
- (f) If a driver is fined for an infringement and made an appeal and was found by the court of law not guilty the government must also pay back the motorist the legal costs incurred.
- (g) There was a concern of infringement documentation or notices that will be sent through cellphones as not everybody has got cellphones.
- (h) The Bill is not clear about the infringements that are to be heard through the courts and those are to be dealt with by officers.
- (i) The government is requested to make car testing centres available in all towns in order to reduce the corruption of buying of certificates.

The Bill was rejected by Ntabankulu community.

#### (2) Mount Frere

Stakeholders in attendance:

- Mt Frere Taxi Association
- Amacwera Taxi Association
- Mt Frere Bus Association
- Mt Frere Uncedo Taxi Association
- Community members
- Traffic Officers

### Inputs

- (a) The government must consider the fact that accidents are also caused by stray animals on the road especially in rural areas and must first address that problem before introducing demerit point system.
- (b) The community felt that the Bill is targeting poor people because they are driving old cars which are not always in good condition and Traffic Officers will obviously find faults in them.
- (c) Taxi and Small Bus Associations have a concern that they buy new vehicles to transport the public but within no time they are in a bad state or unroadworthy due to bad road conditions.
- (d) Taxi Associations requested to be given more time in order for them to discuss the Bill extensively as it is new to them.
- (e) There was a concern of South African Traffic Law Enforcement System which is not linked to Central and Northern Africa traffic system and when these Foreign Nationals have committed an offence it is impossible to trace them.

The Bill was rejected by stakeholders of Mt Frere.

### (3) Mount Ayliff

Stakeholders in attendance:

- Uncedo Taxi Association
- Border Alliance Taxi Association
- M.T.O.A
- Traffic Officers
- Department of Transport
- Community Members

### Inputs

- (a) Uncedo Taxi Association raised a concern that this Bill is targeting taxi operators as Traffic Officers will let all other vehicles to pass and only stop taxis to find faults in their cars and take away disc in order for a taxi not to operate.
- (b) The Bill has a potential of creating corruption and bribery because if a person has committed an offence he/she will influence the Traffic Officer to accept a bribe or a Traffic Officer will abuse the position of being in authority and solicit a bribe from the public.

- (c) The Bill will create high rate of unemployment in the taxi industry because taxi drivers will quickly reach the points and their licenses will be taken. They will not be employed without a license.
- (d) Taxi owners will have their taxis out of the route due to unroadworthiness caused by poor conditions of the roads that are not fixed. Both taxi drivers and owners raised concern that they are depending on the taxis to bring food on the table. The Bill is bringing hunger to the poor rural communities.
- (e) Taxi Associations of Mt Ayliff complained that they were promised that the tarred road will be constructed long time ago but till to date the road conditions are still bad instead the government is coming up with a Bill that oppress them more.
- (f) The Taxi Associations raised a concern that the Traffic Officers issue a fine for taxi operators without permits even if the receipt of the permit is produced.

The Bill was rejected.

### **3.3 Sarah Baartman District (Graaf-Reinet, Port Alfred and Grahamstown)**

Stakeholders in attendance:

- Irhafu Transport
- Department of Transport
- Uncedo Taxi Association
- Community members

#### Inputs

#### (1) Graaf-Reinet (19 March 2018)

The stakeholders present rejected the bill and raised the following matters of concern:

- (a) The Bill to go back to Parliament, where Road Traffic Infringement Agency and Department of Transport must conduct Transport Indaba where all relevant stakeholders will be called for consultation.
- (b) This Amendment Bill is targeting poor people. They will be punished twice where they will have to pay fines and demerits point system will be implemented.
- (c) The bill will increase unemployment rate because what is going to happen in the period when a driver losses his or her driving license.

- (d) The Department of Transport and the Road Traffic Infringement Agency (RTIA) must adopt or learn best practices that are implemented in the Western Cape Province, such as the system of mounting the speed traps/ cameras along the road. They must also ensure that more traffic officers are trained and tools of trade must be made available for traffic officers.
- (e) The Department of Transport and the Road Traffic Infringement Agency must strengthen what they already have by training the current workforce rather than starting something new.

2) Grahamstown Town Hall – 22 March 2018

Stakeholders in attendance:

- Uncedo Taxi Association
- Grahamstown Taxi Association
- Community members

The stakeholders present rejected the Bill and raised the following matters of concern:-

Inputs

- (a) Grahamstown community present in the meeting felt that the Bill was supposed to be tabled to broader stakeholders forum and communities because it involves everybody who owns a vehicle. The Department of Transport must hold a Transport Summit with all relevant stakeholders where this matter will be tabled and discussed properly.
- (b) Parliamentary Representative in their Constituencies are supposed to get a mandate from the people.
- (c) The Department of Transport must first consider the bad state of the roads in the province and the shortage of traffic officers.
- (d) Local roads are full of potholes which damages vehicles.
- (e) The pilot project must be done also in rural areas especially Eastern Cape to check if the pilot project is implementable.

- (f) There is lack of funds from Department of Transport to pay overtime for traffic officers. This in turn reduces their visibility on the roads and increase road fatalities
- (g) There is no 24 hour service on the roads due to shortage of traffic officers.
- (h) Traffic Officers must be employed same way as police officers and must be given the required resources to do their jobs properly.
- (i) This Bill is seen as a double sanction to the people of the province where you have to pay fine and also get demerit points.
- (j) This Bill if implemented, it is going to encourage people to drive without licenses.

(3) Port Alfred – 23 March 2018

Stakeholders in attendance:

- Ndlambe Traffic Officers
- Uncedo Taxi Association
- Community members

The stakeholders present rejected the Bill and raised the following matters of concern:-

Inputs

- (a) Road Infrastructure in the Eastern Cape Province versus Gauteng Province, there is a huge difference. Eastern Cape Roads conditions are in a very bad state. There are stray animals roaming around causing many fatalities.
- (b) Our roads are full of potholes and very small.
- (c) Shortages of Traffic officers is a challenge that is facing the Province and it needs an urgent attention by Department of Transport.
- (d) This Bill will increase unemployment in this rural province. Many people are dependent on driving taxis, buses and trucks. Majority of people are going to lose jobs due to the demerit system where a person can lose her or his license.



- (e) This Bill will encourage people to break the law because when a person could not renew their licenses for 3 months, the person will be stuck and have no other option but to drive without license.

### **3.4 Chris Hani District (Cradock, Indwe, Dordrecht & Cofimvaba)**

The bill was cancelled in the following municipalities due to poor attendance:

- Tarkastad – Enoch Mgijima Local Municipality – (2 people during cancellation)
- Engcobo – Engcobo Local Municipality – (8 people during cancellation)
- Queenstown – Enoch Mgijima Municipality (4 people during cancellation)

The following municipalities supported the bill except for Intsika Yethu Local Municipality. However the following concerns were raised by these local municipalities respectively:

#### **(1) Cradock – Inxuba Yethemba Local Municipality**

Stakeholders in attendance:

- Cradock Taxi Association
- Community members
- Department of Transport

#### **Inputs**

- (a) The community was concerned about the ratio of traffic officers against the number of vehicles on the road as they see many traffic officers sitting in offices than being on the road.
- (b) The community was also concerned about the accessibility of the Appeals Tribunal offices.
- (c) They also said the bill is silent about the visibility of animals on the road even in towns and this causes accidents.
- (d) They felt that they need time to mobilize people and look at the bill and share it with other people to assist with the contribution during their prayer meetings on Tuesday, 20 March 2018 and their conference on Friday, 23 March 2018 and will make submissions/inputs through email or fax as many people were not aware of the bill.

#### **(2) Indwe – Emalahleni LM**

Stakeholders in attendance:

- Indwe Taxi Association
- Uncedo Taxi Association
- Community members

#### Inputs

- (a) The community wanted to know if you get a ticket in Mpumalanga, do you have to go back and pay it there as this will involve travelling costs.
- (b) They wanted to know should this law be in existence are the already existing tickets will be written off and start on a clean slate.
- (c) They wanted to know (especially taxi drivers) if the permit is confiscated how the person going to pay the owing tickets as the taxi is his/her source of income.
- (d) The emphasis was on government amending laws without considering the roads that are terrible and damaging their vehicles, and they see this as a useless exercise though the point system will affect them.
- (e) They were also concerned about the role of traffic officers who do not give warnings or educate people when they are not aware of something instead of issuing a ticket; they emphasized the importance of the training of traffic officers.
- (f) The taxi industry is requesting government to consider subsidizing them as their cars are damaged by the bad roads.
- (g) They were concerned about the establishment of the Appeals Tribunal offices and the waiting period of the appeal.
- (h) They were very concerned about how the point system works.
- (i) They wanted to know if this law will use traffic officers or cameras and how points will be monitored.
- (j) They requested that the renewal of license be extended to 12 years as 5 years is too soon and costly.

#### (3) Dordrecht – Emalahleni LM

Stakeholders in attendance:

- Traffic Officers
- Community members

### Inputs

- (a) The community of Dordrecht was concerned about their bad roads without road signs, pedestrian crossings and humps even where there are schools; as their roads need to be widened.
- (b) They were also confused/much concerned if this bill benefits the public or government.
- (c) They emphasised the visibility of traffic officers on the road ,as the hiding causes road accidents when they stop cars at a short distance.
- (d) They were also concerned about the speeding of police vans without blue lamps or siren that causes accidents.
- (e) They wanted to know the powers and functions of the Appeals Tribunal and its accessibility.
- (f) The community says the bill is silent about the congestion of cars as everyone buys a car, which results in contamination of air, they were suggesting that other modes of transport should be considered.
- (g) The community wanted to know if you are driving a car with fines that belongs to someone else who will be responsible.
- (h) The community requested government to tighten the law on over speeding, drunken driving people.
- (i) They also mentioned that this bill is silent about traffic officers who receive bribes/who are corrupt.

### (4) Cofimvaba – Intsika Yethu Local Municipality

Stakeholders in attendance:

- AB 350
- Traffic Officers
- Community members
- Badela Transport
- Mavumisa Transport
- Naledi Buses
- Jobela Buses

### Inputs

During the public hearing the taxi drivers refused to sign the attendance register and rejected the bill having the following concerns:

- (a) They were concerned about government who ignores to repair terrible gravel roads that increase accidents and car maintenance first before coming up with laws.

There is still a gap between Eastern Cape and other province's roads. They feel that this law must remain in Johannesburg and Pretoria as they have tarred roads.

- (b) They were also concerned about these Tribunal offices whether they will be available in all towns.
- (c) They were concerned about the frequency of sittings of the Appeals Tribunal against that of Court of Law as well as Tribunal Powers.
- (d) They feel that they should be educated on these demerit points and which infringements will lead to a person getting a ticket and a demerit point.
- (e) They wanted to know about demerits viability and verification of these demerits points and levels.

It is important to note that all the questions raised were responded to during the hearings and some of the questions were not related to the bill, however they were also answered during the hearings.

Some said they need time to look at the bill and they will make submissions/inputs through email or fax.

### 3.5 **Joe Gqabi District (Aliwal North, Burgersdorp, Sterkspruit, Maclear And Barkly East)**

#### (1) Aliwal North

Stakeholders in attendance:

- Department of Transport
- Community members
- Walter Sisulu Contractors Association

#### Inputs

- (a) The Bill must have mechanisms to safeguard against Traffic Officer corruption as it appears that the Bill places more power into the Officers.
- (b) The drivers based in rural areas need to be given more time in respect of service of documents .

- (c) The Bill must have mechanisms to deal with situations where foreign nationals have to be served with summons but such a person does not have a valid residential address.

- (d) The Bill was welcomed by all in attendance

(2) Burgersdorp

Stakeholders in attendance:

- Community members

Inputs

- a) There is a need to train Municipal officials on the implementation of AARTO and for a greater public awareness campaign about the Bill.
- b) The Bill was welcomed by all in attendance

(3) Sterkspruit

The Public Hearing did not sit because there were no stakeholders in attendance.

(4) Maclear

The Public Hearing did not sit because there were no stakeholders in attendance.

(5) Barkley East

The Public Hearing did not sit because there were no stakeholders in attendance.

### **3.6 OR Tambo District (Port St Johns, Mthatha, Lusikisiki, Mqanduli)**

(1) Port St Johns Town Hall

Stakeholders in attendance:

- PSJ Taxi Association
- Community members

Inputs

- (a) The Bill is silent on the demerit system that will be used on drivers who do not have drivers' licenses. They should be blocked from applying for driver's licences for a while.

- (b) The Bill does not take into consideration that some roads in this province are in a terrible condition and have a terrible effect on cars, to such an extent that you might think an indicator is working when it has stopped then you will be given a traffic fine.
- (c) The demerit system should not apply to a person who drives a car with an expired disc because sometimes one may not be driving your own car.

The Bill was supported.

(2) Mthatha Town Hall

Stakeholders in attendance:

- USTA
- Community members

Inputs

- (a) The Bill is silent on assisting taxi drivers whose loading zones are used by other car drivers as they are forced to load on undesignated areas which leads to a traffic fine.
- (b) The Bill is not clear on traffic fines taken by cameras given to drivers employed by taxi owners. The fines reach the taxi owners months after the driver is gone.
- (c) The Bill must also assist taxi owners who are given traffic fines in other provinces due to lists that do not fit on the official loading list page.
- (d) The taxi owners promised to register their drivers officially, but are requesting that government sponsors a taxi driver with advanced driving lessons if a taxi driver has not been given traffic fines for maybe a year.

The Bill was supported.

**3.7 Amathole District (Willowvale, Idutywa, Butterworth, East London, King Williamstown, Ngqushwa,)**

**Challenges:**

Most of the Public Hearings could not proceed as planned due to non-availability of an audience

- (i) Amathole District is very vast and number of Towns within the municipalities could not be visited during publicity due to number of days given by the Legislature for publicity.
- (ii) Choice of venues that some municipalities gave Legislature to conduct public hearings made it difficult for some communities to attend, for example, Orient Theatre in East London.

(1) Butterworth

Stakeholders in attendance:

- Department of Transport
- Community member

Inputs

The Public Hearing was held on Tuesday, 20 March 2018, at the Msobomvu Hall in Butterworth. The people of Butterworth support the Bill.

- (a) There is non-compliance and or lack of resources of the various implementing authorities that is, the various levels of government and Road Traffic Management Corporation, as well as the general acceptance by communities and individuals of poor behaviour, particularly the abuse of alcohol, speeding, unsafe overtaking, non-wearing of seat belts, as well as poor levels of enforcement and follow-up of fines.

(2) Ngqushwa

Stakeholders in attendance:

- Uncedo Taxi Association
- Border Alliance
- Peddie Taxi Association

The Public Hearing was held on Thursday, 22 March 2018, at Ncumisa Kondlo Hall at Ngqushwa. The people of Ngqushwa support the Bill.

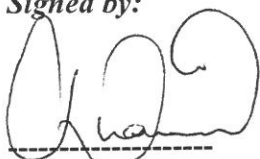
Inputs

- (a) Some motorists are using un-roadworthy vehicles, leading to high levels of carnage/accidents.
- (b) Some officials especially from SAPS, Emergency Medical Services (EMS )and Traffic Officers are driving very fast during emergencies, undermining and

breaking road traffic signs due to certain emergencies on the road and end up receiving ticket fines.

- (c) AARTO Bill is about improving the violation of roads traffic rules and encourages motorists to be cautious and do right things on the road.
- (d) Payment of road traffic fines or tickets will be centralized and eliminate some functions which were performed by the NPA/Prosecutors and be given to Traffic Officers.

**Signed by:**



**T Xhanti**

**Chairperson: Portfolio Committee on Social Development  
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**Date:** 10-05-2018