



GAUTENG LEGISLATURE

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OFFICE OF THE SPEAKER

FINAL VOTING MANDATE

TO: The Chairperson of the National Council of Provinces.

Hon T Modise

NAME OF BILL: Administrative Adjudication of Road Traffic Offence Amendment

NUMBER OF BILL: [B38B-2015]

DATE OF DELIBERATION: 29 October 2018

VOTE OF THE LEGISLATURE:

The Gauteng Provincial Legislature supports the principle and detail of the bill and therefore votes in favour of-

- Administrative Adjudication of Road Traffic Offence Amendment Bill

HON NOMANTU RALEHOKO

ACTING SPEAKER

GAUTENG PROVINCIAL LEGISLATURE

Date: 30/10/2018



GAUTENG LEGISLATURE

ROADS AND TRANSPORT PORTFOLIO COMMITTEE

FINAL VOTING MANDATE

ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES AMENDMENT BILL [B38B-2015]

29 October 2018

The Chairperson of the Roads and Transport Portfolio Committee, Mr M. Mgcina, hereby tables the Committee's Final Voting Mandate on Administrative Adjudication of Road Traffic Offences Amendment Bill [B38B-2015].

1. PROCESS FOLLOWED

The Speaker formally referred the Administrative Adjudication of the Road Traffic Offences Amendment Bill [B38B-2015] Section 76, to the Portfolio Committee on Roads and Transport referred to as the Committee, for consideration in terms of Rule 245 (1) read with 246 (1), 247 and 248 for consideration and reporting.

At meeting held on Monday, 29 October 2018, the Committee having considered the Minutes of the NCOP Select Committee on Economic and Business Development, deliberated and adopted the Final Voting Mandate on the Administrative Adjudication of Road Traffic Offences Amendment Bill [B38B-2015].

2. PRINCIPLES AND DETAILS OF THE BILL

The principle of the Bill is to amend the Administrative Adjudication of Road Traffic Offences Act, 1998, so as to substitute and insert certain definitions.

3. OBJECTIVES OF THE BILL

The Bill seeks to:-

- improve the manner of serving documents to infringers;
- add the functions of the Road Traffic Infringement Authority;

- repeal certain obsolete provisions;
- establish and administer rehabilitation programmes;
- provide for the apportionment of penalties;
- provide for the establishment of the Appeals tribunal and matters related thereto;
- effect textual corrections and;
- provide for matters connected therewith.

4. SOCIO-ECONOMIC AND FINANCIAL IMPLICATIONS

The Committee observed that the Bill will have no direct economic, environmental and/or any other related implications, but only the financial implications and social implications.

a. Financial Implications

- The Bill will have negative financial implications to Municipalities especially those which are issuing authorities in remote areas where there is limited exposure to technology;
- The Bill proposes the Establishment of Tribunal in relation with the functions of Tribunal and the appointment of members and administrative employees which will require additional funding;
- The Bill proposes the Establishment of rehabilitation programmes for the infringers which will also require additional funding;
- The Bill also proposes that the Agency/Authority be financed from penalties issued and collected. Also proposes that the Agency/Authority may open and maintain one or more accounts with a bank, in which money received by the agency/authority must be deposited and money received from issuing authorities, driving license testing centres and registering authorities. This will have a negative impact on the financial sustainability of the Agency/Authority wherein issuing authorities do not abide by the Service Level Agreement / Memorandum of Understanding regarding the distribution of monies collected on behalf of the Agency/Authority.

b. Social Implications

- The Bill will have positive social implications on road safety measures and campaigns in the country. This is because the Bill proposes the apportionment of penalties meant to maintain order and safety in the land transportation sector.

In conclusion, the Committee is of the view that the Bill should be more focused on improving road safety in our country rather than generating revenue for the Agency/Authority.

5. FINAL POSITION ADOPTED BY THE COMMITTEE

In terms of the Section 65 of Constitution, read with section 6 and 8 of the Mandating Procedures of Provinces Act 52 of 2008, as well as Rule 248 of the Gauteng Provincial Legislature Standing Rules; the Roads and Transport Portfolio Committee confer authority on the Gauteng Provincial Delegate/s to National Council of Provinces to vote in favour of the Administrative Adjudication of Road Traffic Offences Amendment Bill [B38B-2015]

No.301- 2018: Fifth Session, Fifth Legislature

GAUTENG PROVINCIAL LEGISLATURE

ANNOUNCEMENTS, TABLINGS AND COMMITTEE REPORTS

Tuesday, 30 October 2018

ANNOUNCEMENTS

1. The Deputy Speaker, Ms N Nkomo-Ralehoko tabled the Adopted Final Voting Mandate Administrative Adjudication of Road Traffic Offences Amendment Bill [B3B-2015], as attached.

TABLINGS

none

COMMITTEE REPORTS

none