



**RTIA**

Road Traffic Infringement Agency

Justice in Adjudication

# ***SABOA Presentation***

## ***SABOA Conference ( Update on the Demerit Points & AARTO)***

**31 July 2019**

**CSIR Convention Centre - Pretoria**

# *Policy and Legislative Interventions*

- The mandate of the Agency as per the Act is as follows:
  - ***Encourage compliance*** with road traffic laws
  - ***Encourage the payment*** of penalties
  - Establish ***effective adjudication procedure***
  - ***Alleviate burden on courts*** for trying offenders
  - ***Penalize guilty offenders*** through demerit points
  - Provide for the ***rehabilitation programs***
- The RTIA is an independent arbiter of road traffic infringements

# *Policy & Legislative Interventions*

- South Africa is a signatory to the United Nations Decade of Action for Road Safety (UNDoARS) 2011 – 2020
- This UN resolution aims at stabilising road fatalities by the year 2020 by fifty percent (50%)
- Then reducing it by 50% by the year 2030 (SDGs)

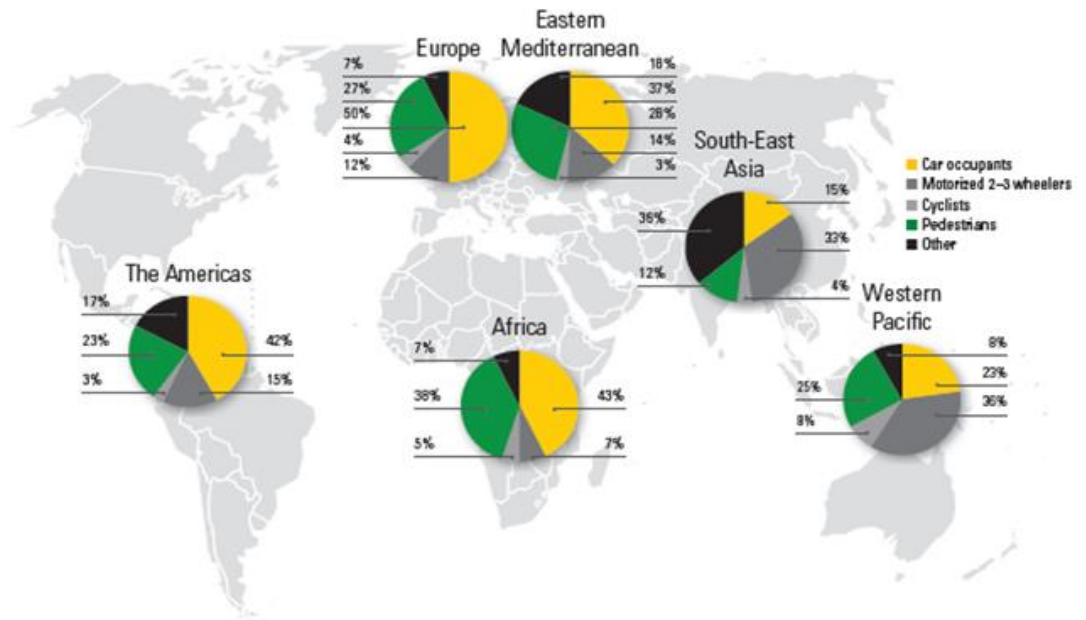
# *Road Safety Situational Analysis*

- 7 billion people in the world, with South Africa at 55 million population
- World population growth at average of 75 million per annum versus annual road traffic deaths in South Africa at average 14000
- Road Traffic Crashes kill more than 1.3 million road users worldwide annually costing the economy >R 200 billion
- 50 million suffer serious injuries annually
- Most of the road traffic crashes are preceded by road traffic offences or infringements

A world map in light gray with the Southeast Asian region highlighted in a light orange color. The text is overlaid on the map.

**Every 3 minutes a child dies  
on the world's roads.**

# 50% of deaths are among vulnerable road users



# Road Safety Situational Analysis

- South Africans killed in road crashes since 2010



www.alamy.com - EN6GM3

# *Facts about crashes in South Africa*

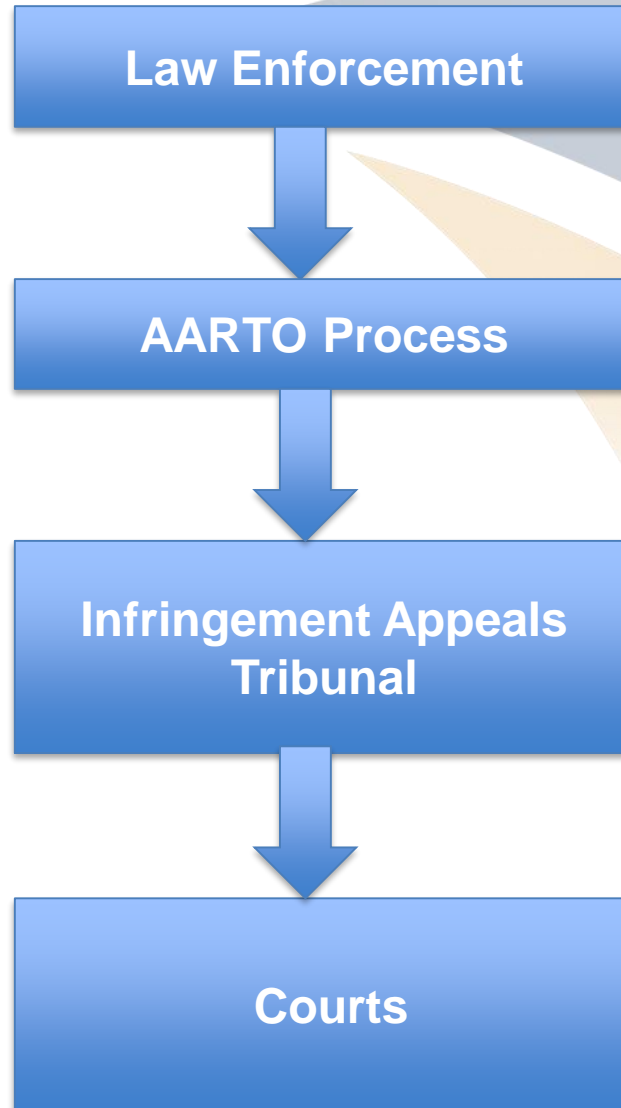




# Facts about crashes in South Africa



# AARTO Operating Model



# AARTO Process & Options

- \* Full Payment including fees or Apply for Revocation

## **3<sup>rd</sup> Stage: Enforcement Order (eNaTIS block)**

- \* Submit a representation
- \* Elect to be tried in Court
- \* Full penalty and fees (Including instalments)

## **2<sup>nd</sup> Stage: Courtesy Letter (32 days)**

- \* Submit a representation
- \* Arrange for instalments
- \* Elect to be tried in Court
- \* Pay penalty and qualify for 50% discount
- \* Nominate a driver

## **1<sup>st</sup> Stage: Infringement Notice (32 days)**

# About Points Demerit System

- PDS has been part of the AARTO programme in terms of section 24 of Chapter IV of the AARTO Act.
- Delayed implementation as a result of systems testing and protection of the equality right as enshrined in the Constitution of the Republic of South Africa, 1996.
- Each driver will start out with zero points (irrespective of the number of classes of vehicle licences held).
- Points are allocated according to infringements or offences committed (there are different values for different infringements and offences)

# About Points Demerit System continues...

- Points are incurred (allocated) on the date a penalty (fine) and fees (if any) are paid, when partial or dishonoured payments or arrangements to pay in instalment are made, an enforcement order is issued or the infringer is convicted of an offence, as the case may be.
- Operators receive points separately from their drivers (i.e. a transport company receives points allocated to the operators)
- When you reach 13 points and more, the licence (and / or operator card) is suspended with effect from 32 days after the maximum points (12) have been reached

# About Points Demerit System ...

- The driver / operator acquires the licence on expiry of suspension (disqualification) period
- A driver / operator who is disqualified for the third time will permanently lose the licence / operator card and will have to reapply for testing and issue (as if a first time licence / operator applicant) after expiry of the disqualification period.
- Demerit points will be reduced (for all persons / operators) at a flat rate of one point per every three months without committing an infringement or offence

# Effectiveness of the PDS & TRS

**According to the SWOV (Institute for Road Safety Research) Fact sheet – published in Leidschendam, the Netherlands, September 2012.**

The following benefits are contributed by the demerit points system to road safety through three mechanisms:

- 1) Prevention of unsafe behaviour by enforcing penalty points,
- 2) Selection and suspension of the most frequent offenders
- 3) Correction of reckless behaviour through an educative element in rehabilitation programmes

# *RTIA's Views*

- Participation in the AARTO Implementation is geared towards road user behaviour change
- PDS becomes the great equaliser between rich & poor.
- The emphasis is that the driving licence always belongs to the Government
- Rehabilitation programmes shows the system is not just punitive but focused on positive elements
- An Infringement Appeals Tribunal provides further objective conduit for exercising rights of infringers
- Electronic service leverages on technological innovations



# ***RTIA PDS Implementation update***

- PDS already classified.
- RTIA will initially prioritise the infringements with the biggest impact on the loss of lives and malicious damage to property for PDS imposition.
- Every classification of PDS will be scientifically justifiable.
- All the stakeholders as per the AARTO National Steering Committee have bought into the AARTO programme and their systems are aligned for that purpose.
- SAPO systems are fully functional and reliable to support the Roll Out.

# Recent historical updates on the Bill

- The process of the amendment of the bill started in 2015 and was passed as section 76 legislation by the National Assembly in 2017.
- The Bill had to serve at NCoP through public engagements from 2016 to 2018.
- In 2018, NCoP approved the Bill with an amendment to replace the High Court with Magistrate Courts as a review structure to the decision of Appeals Tribunal.
- The Bill received overwhelming votes of 8 provinces and was referred to the National Assembly for final voting.

# Recent historical updates continues...

- The National Assembly passed the Bill with overwhelming votes.
- The Bill now awaits the President's assent before it is promulgated into law.

# Areas of Amendment

Old Provision	Amendment / Repeal	Effect
Section 21 (Warrants)	Repealed	Effect of Section 21 is now achievable under Section 20.
Registered Mail and Personal Service	Electronic Service	The reduction of the costs of service as the costs of electronic service will be significantly
Major and Minor infringements	The distinction of major and minor infringements collapsed.	Reference is now made to infringement for all types of contraventions except for the ones which are classified as offences.
Provision in respect of a trial.	Repealed	The election to be tried in court has also been repealed as a consequence of the repeal of section 22.

# Areas of Amendment Conti...

Old Provision	Amendment / Repeal	Effect
Election to be tried in court.	The subsection was repealed.	The process has been replaced by the Appeals Tribunal. The infringer will only access court to review the decision of the Tribunal.
<b>149 917 elections to be tried in court made in one year</b>		

# Areas of Amendment Contin...

Old Provision	Amendment / Repeal	Effect
None	The introduction of a Traffic Rehabilitation process in order to accelerate the redemption of the demerited points .	The infringers will not only accumulate the demerit points, but they will be provided with remedial interventions in order to change their errant behaviour.
Points demerit  <b>749 176 Enforcement orders authorised during 2018/19</b>	No Amendments but the Regulations will be amended so that the demerit points are applied to infringements which have direct cause to the loss of lives.	The infringers will be provided with a relief of not being burdened with a lot of demeritable infringements and thus be kept longer on the roads.

# Areas of Amendment

Old Provision	Amendment / Repeal	Effect
Section 18	The addition of a clause to allow the Agency to re-serve the infringements which were not served during the prescribed period.	This will enhance law enforcement because the infringers will not escape liability because of procedural technicalities

# **Conclusion**

**Thank you!!!**

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