

To: News Editors

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For immediate release

## **RTIA ASSERTS THAT AARTO IMPLEMENTATION WILL IMPROVE ROAD SAFETY**

The Road Traffic Infringement Agency (RTIA) is shocked and disappointed by the statement made by the CEO of the Organisation Undoing Tax Abuse (OUTA), Mr Wayne Duvenage, that if the AARTO Acts were implemented in their current form, it would lead to the collapse of government legitimacy. The RTIA views this claim as irresponsible, sensational and devoid of any substance. This is according to the Acting Registrar of the RTIA, Mr Matsemela Moloji.

Mr Moloji says the implementation of the AARTO Acts is about improving and enhancing road safety in South Africa, which is one of the top priorities of national government, working together with the provincial and local government and other critical stakeholders. He says by implementing these Acts, the government will be fulfilling its constitutional responsibility to protect road users and save lives.

Mr Duvenage made this statement after the Constitutional Court reserved judgement on 15 November 2022, during which OUTA requested the apex court to affirm the North Gauteng High Court's ruling that the implementation of the two acts is unconstitutional. The decision made by the high court was based on the view that the two acts would usurp the powers of the provincial and municipal authorities. The RTIA believes that this view is incorrect and inconsistent with how road traffic infringements are currently being managed.

Currently, all road traffic infringements are handled by the courts in terms of the Criminal Procedure Act, and not by the provinces or municipalities. In terms of Part A of Schedule 4 of the Constitution, provinces are mandated to deal with "provincial roads and traffic", but not with "road traffic regulation". Similarly, Part B of Schedule 5 of the Constitution mandates municipalities to deal with "municipal roads" and "traffic and parking" but not with road traffic regulation.

“Therefore, the view that the AARTO Act will usurp the powers of the provinces and municipalities is totally incorrect, as these are not mandated to adjudicate on road traffic infringements. This is the sole responsibility of our courts.

“The AARTO Act seeks to remove this burden from our courts and place it within one central agency which is mandated to undertake the administrative adjudication process. The AARTO Act will by no means displace national and provincial laws and municipal by-laws, but will rather encourage compliance with these laws,” said Mr Moloji.

The Act will also create a system of demerits designed to ensure that serial traffic offenders are removed from South Africa’s roads, thereby protecting road users throughout the country. Admitting guilt and paying fines will provide no basis on which to avoid consequences that are designed to render the country’s roads safer.

The reality is that South Africa’s road accidents and fatalities are unacceptably very high, and hence we need a very effective legal instrument that will help us to enforce compliance and protect people’s lives on our roads. It will help the government to achieve its critical objective of reducing road accidents and fatalities, and ensure that unruly road users face appropriate consequences for their actions.

“We therefore find OUTA’s assertion that the introduction of the AARTO Act will collapse the functioning of government to be without any merit. However, we are encouraged by the fact that OUTA is in support of our efforts to improve road safety and deal with offenders accordingly. We believe that the AARTO Act is the most effective way of achieving this,” said Mr Moloji.

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