

07 July 2021

Attention: The Chairperson  
Ms Bongekile Zulu  
Road Traffic Infringement Agency

Email: [info@rtia.co.za](mailto:info@rtia.co.za);  
[mncedisi.bilikwana@rtia.co.za](mailto:mncedisi.bilikwana@rtia.co.za);  
[ayanda.ntamane@rtia.co.za](mailto:ayanda.ntamane@rtia.co.za)

CC: The Acting Registrar  
Ms Dalien Mabula  
Road Traffic Infringement Agency

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[mncedisi.bilikwana@rtia.co.za](mailto:mncedisi.bilikwana@rtia.co.za);  
[ayanda.ntamane@rtia.co.za](mailto:ayanda.ntamane@rtia.co.za)

Dear Madam,

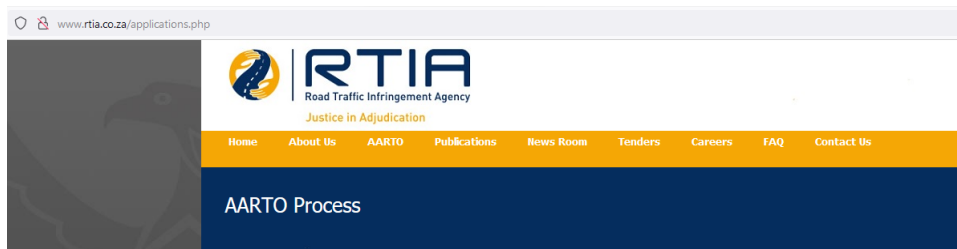
**CONCERNS ABOUT MISLEADING THE PUBLIC ON THEIR RIGHT TO APPROACH A COURT OF LAW**

**OUR REF: TR 1711-014**

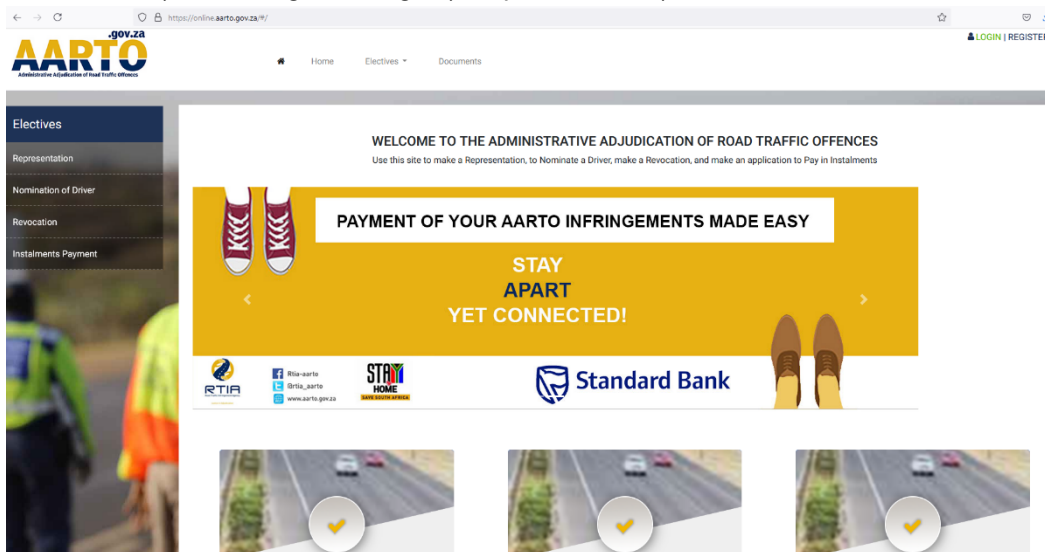
**YOUR REF: UNKNOWN**

1. We refer to the above.
2. The Organisation Undoing Tax Abuse (“OUTA”) is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation.
3. OUTA promotes road safety and effective traffic legislation. We believe that to achieve this outcome, South Africa needs effective processes enabled by fair adjudication that complies with the Constitution. In our view, it is critical that South Africa has strict and unchallengeable traffic legislation to ensure behavioural changes in road users which will lead to safer driving and less fatalities on our roads.
4. We further confirm that we are mandated by ordinary citizens to act in the best interest of the general public and therefore have a duty towards the public to provide accurate and truthful answers to the questions that they have. We therefore write this letter to seek answers to a legitimate concern raised.
5. The Administrative Adjudication of Road Traffic Offences or “AARTO” Act was promulgated in 1998, with four (4) amendments published over the last decade and seek to achieve the following:

- 5.1 to promote road traffic quality;
  - 5.2 to discourage road traffic contraventions;
  - 5.3 to facilitate the adjudication of road traffic infringements;
  - 5.4 to support the prosecution of offences in terms of the national and provincial laws relating to road traffic and implement a point demerit system;
  - 5.5 to provide for the establishment of an agency to administer the scheme;
  - 5.6 to provide for the establishment of a board to represent the agency.
6. On 13 August 2019, President Cyril Ramaphosa signed the AARTO Amendment Act, with no commencement date stipulated. As such, the Amendment Act is currently not in force, until such time as a date is promulgated.
  7. According to the current (the pre-amended adjudication) procedure, the procedure is made up of a number of stages. At each stage, the infringer is given the opportunity to pay the prescribed penalty, make appropriate arrangements or raise defences (either through representations to the RTIA or the issuing Authority or through the court process).
  8. It has come to OUTA's attention that according to the RTIA's own website (<http://www.rtia.co.za/applications.php>), the website sets out the AARTO process and the remedies available to an alleged infringer (see picture below):

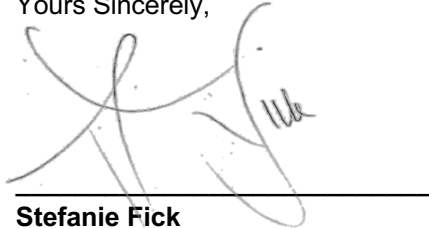


9. When an alleged infringer selects the "Go to court" remedy, the RTI's website directs the alleged infringer to the AARTO website (<https://online.aarto.gov.za/#/>). According to the AARTO website, the website sets out the electives available (and describes the process applicable to each elective) to an alleged infringer (see picture below):



10. Although the website sets out some of the electives available, it fails to provide an alleged Infringer with any information regarding their option of approaching a court of law. Nor does it set out the process applicable when an alleged Infringer elects to be tried in court.
11. OUTA is of the opinion that the lack of information provided on the AARTO website, not informing an alleged infringer properly of their right to approach a court of law, is slightly misleading to the public and may cause confusion when an alleged Infringer wishes to exercise their right as given by the AARTO Act.
12. We again reiterate that the Amendment Act has not been implemented and as such find it prudent that the RTIA ensure that the public is made aware of their rights to approach a court of law, until the Amendment Act is implemented. OUTA therefore requests that the RTIA urgently attend to the correction of this information.
13. We trust that you find the above in order and look forward to receiving your response as soon as possible.

Yours Sincerely,



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**Stefanie Fick**  
**Executive Director: Accountability Division**  
**OUTA – Organisation Undoing Tax Abuse**  
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