

Alleged maladministration at Road Traffic Infringement Agency could delay demerit system

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The controversial Administrative Adjudication of Road Traffic Offences (Aarto) Act, which was due to come into effect as of 1 July 2021, might be delayed due to the start of a forensic investigation into alleged maladministration at the Road Traffic Infringement Agency (RTIA).



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A number of senior employees have reportedly been suspended and it's believed that the suspensions are tied to financial maladministration.

What the Aarto Act is

The Aarto bill was signed into law in 2019 by President Cyril Ramaphosa with the aim of improving road safety in South Africa. In October 2020, transport minister, Fikile Mbalula, gazetted the 540-page Aarto regulations detailing how the demerit system will work.

Essentially, the Aarto Act allows for a demerit system whereby a person, operator or company is liable to pay a penalty as well as incurring a points penalty related to the particular traffic infringement. Once a maximum amount of demerit points (15 points) are reached, then the person and vehicle will be disqualified from driving for a period of time (three months).

Offence points range from one to six, depending on the severity of the offence. After three disqualifications, the driver's licence will be cancelled and that person will have to apply for a new learner's license and driving licence after the disqualification period has come to an end.

Prioritising road safety first

The Road Safety Project (RSP) commented on the latest developments: “Similar points systems overseas have proven to be one of the most effective means to increase road safety. Unfortunately, the investigation into RTIA is revealing that Aarto appears to be more concerned with the financial benefit of traffic penalties rather than improving road safety.”

“As a result of these findings, public buy-in and support are likely to be seriously impacted. This is in a climate where the public was already sceptical of the system before any maladministration was found. Until a resolution to the concerns is found, the planned implementation of Aarto on 1 July will need to be delayed.”

The RSP further urged the Department of Transport to realign its objectives to best serve road safety.

“Instead of the good that could be realised, the regulation is now mired in controversy. Fortunately, the findings have been made early and provide the department with ample opportunity to realign proceedings in order to rectify any concerns or potential maladministration and instead prioritise road safety.”

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