

Dear South Africa is a network of online platforms designed to facilitate government and encourage the public to participate in unbiased decision-making processes or policy formation at SOE, municipal, provincial and national levels.



National Road Traffic Amendment Bill [B 7 – 2020]

03 April 2020 – 20 November 2020

(As introduced in the National Assembly (proposed section 76); explanatory summary of Bill and prior notice of its introduction published in Government Gazette No. 43201 of 3 April 2020.

The Bill seeks, among other things (as well as matters connected thereto), to:

- Amend the National Road Traffic Act, 1996, so as to insert new and amend other definitions
- Provide for the suspension and cancellation of the registration of an examiner for driving licenses or an examiner of vehicles, if such person has been convicted of an offence listed in Schedule 1 or 2 of the Criminal Procedure Act, 1977 (Act No.51 of 1977), or has a direct or indirect conflict of interest
- Provide for the registration and grading of training centres
- Further provide for the registration of parties listed hereafter as well as the appointment of inspectorates of manufacturers, builders, body builders, importers and manufacturers of number plates; to, along with registration and an inspectorate of the following parties, also extend the right to appeal to manufacturers of blank number plates as well as reflective sheeting for number plates, suppliers of blank number plates, suppliers of reflective sheeting for number plates, embossers of number plates, weighbridge facilities, manufacturers of microdots, suppliers of microdots and microdot fitment centres
- Require the relevant provincial Department or local authority responsible for transport to register a driving license testing centre before operating as a driving license testing centre
- Provide for the surrender of a driving license by a holder thereof and the re-issuing of a different category licence on request to the chief executive officer.
- Prohibit the wilful or negligent issuing of a learner's license or authorising the issue of a learner's license, endorsing or failure to endorse a learner's license, or to produce, print or manufacture any document similar to a learner's license, contrary to Chapter IV of the National Road Traffic Act, 1996.
- Prohibit the use of unauthorised aid during a test for a learner's license or a driving license test, and the disqualification therefore
- Provide for the registration and grading of driving school instructors as well as driving schools; and
- Further prohibit and reduce the limit of alcohol in a specimen of blood taken from any part of the body.



The above notice of intention for the Road Traffic Amendment Bill was released on 3 April 2020 where the closing date was set to 20 November 2020.

Written submissions and enquiries were directed to Ms Valerie Carelse trafficbill@parliament.gov.za.

Dear South Africa (DearSA) hosted a participation project through Dear South Africa's mobile and online platform to facilitate, educate and encourage public participation and comment to shape this amendment.

<https://dearsouthafrica.co.za/road-traffic/>

Included on the web page was:

- 1 - the published Amendments and related documents as downloadable PDFs
- 2 - published notice.
- 3 - a live view of public comments (with a counter and breakdown reflecting number of participants)
- 4 - video summaries
- 5 - links to relevant media articles
- 6 - a portal which posed two questions (with the option of three responses per question)
- 7 - a comment facility to provide input on the Amendment

Each public entry was individually delivered to Ms Valerie Carelse trafficbill@parliament.gov.za. DearSA also captured all public entries which have been used to produce this report.

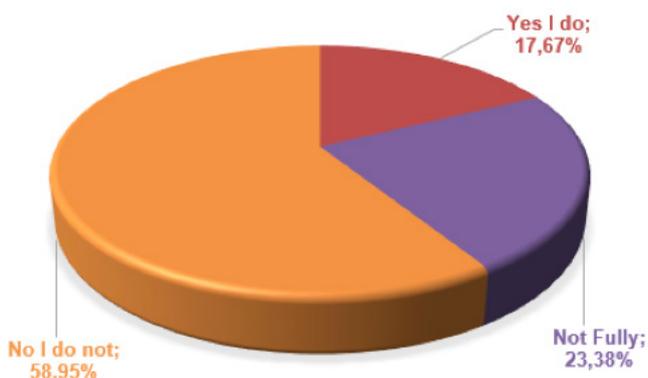
Note: In order to accurately reflect public comment, DearSA's projects are unbiased and hold no partisan opinion or agenda. Raw captured data is attached as an Excel file.

A total of **6797** comments were received by the set closing of 4pm, 20 November 2020 (included in the Excel file). This report reflects the entries received by the closing date.

Two questions presented;

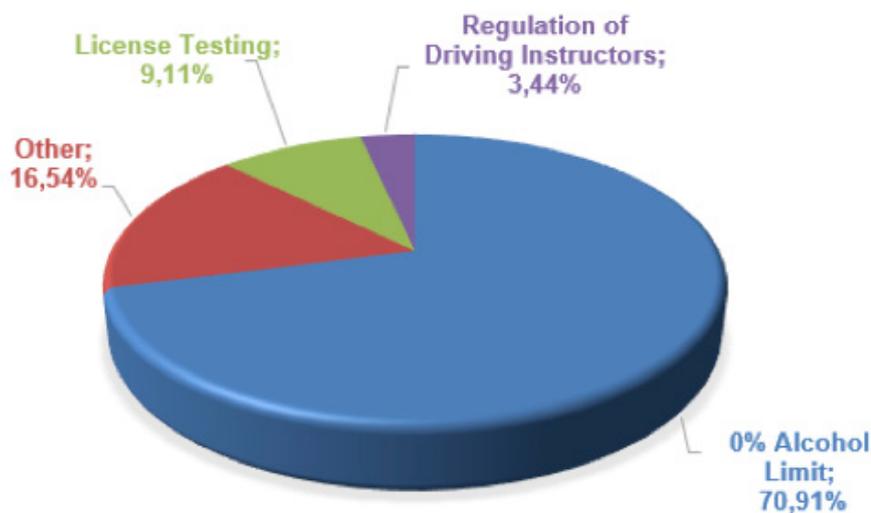
1. Do you support the proposed Road Traffic Amendment Bill?

| | | | |
|---|--------------|------------------|--------|
|  | Yes, I do | [1,201 selected] | 17.67% |
|  | No, I do not | [4,007 selected] | 58.95% |
|  | Not fully | [1,589 selected] | 23.38% |



2. What is your top concern?

| | | | |
|---|-----------------------------------|------------------|--------|
|  | 0% Alcohol limit | [4,820 selected] | 70.91% |
|  | Other | [1,124 selected] | 16.54% |
|  | Licence testing | [619 selected] | 9.11% |
|  | Regulation of driving instructors | [234 selected] | 3.44% |



Comments

The participants are encouraged to provide comment to justify their selection in order to help shape the policy amendment.

Of the “Yes, I do” comments, the public support these amendments to create a safer environment on the roads of South Africa. Amongst the responses, it was also viewed that some conditions were put forward relating to the equality of the legislation and how the rules should apply to all citizens. The law needs to be the same for everyone and must be fairly enforced without potentially victimising an innocent driver. Harsher punishments sentences were also suggested by the public as well as increasing visible policing in the various regions.



Suggestions from the “Yes I do” comments, include;

Concern; 0% Alcohol limit

1. “I support this bill fully as alcohol related road traffic deaths are at an unacceptable level in SA.”
2. “This is vastly important, particularly for all public transport operators (child transport, taxis, buses, trains, etc., but also private cars, trucks, commercial small vehicles”
3. “I do agree that zero tolerance of alcohol is a very good idea as how many innocent people have had their lives taken by drunk drivers...it has to be a fair law for everybody and upheld.”
4. More in depth detail is required for the proposed enforcement procedure for this piece of legislation.
5. “The penalty for failing the 0% alcohol level should be min 6 months in jail and license suspended for 1 year. If the penalty is not very severe, it will not do the job of stopping people drinking and driving.”

Concern; Other

1. “Primary reason should be to limit and wipe out any form of corruption, bribery and fraud.”
2. “The regulations should be the same for all provinces.”
3. Ethical and transparent testing must be implemented with these amendments: “Police breathalyser testing but there is no proof of calibration of breathalyser presented, corrupt police fake results extorting money out of citizens”
4. Ensure that bribery is also addressed to ensure that the law is being fairly enforced.
5. Increase visible policing.
6. “Traffic police need to pass stringent tests to ascertain their competencies”
7. Drivers in the Public Transport sector need to undergo an assessment re-testing for licenses where necessary.

Concern: Licence testing

1. “License Testing & Regulation of instructors are both of interest. This is the first bill I’ve seen that I agree could do some good & limit the corruption in the Transport industry.”
2. “I support zero tolerance on alcohol. I don’t support more licensing red tape. I can’t manage what we already have and it increases administration.”
3. The success of the legislation will lie in the implementation thereof.
4. Corruption and bribery are a hurdle that needs to be addressed simultaneously, to releasing new traffic laws.

Concern: Regulation of driving instructors

1. “Driving instructors should be regulated to ensure quality and minimise the ease of being able to buy a license. More effective control and support for newly licensed drivers will reduce the number of accidents on the road”
2. “Corruption starts with the driving instructors”. Too many individuals are not passing the K53 rules of the road but are still being awarded licenses. Driving instructors need to lead by example.
3. “Back ground checks should be implemented on instructors to ensure they are competent”

Of the “Not Fully” comments, the participants are in partial agreement. There are multiple facets of road safety that requires improvement in South Africa. However, a large portion have stated that the existing legislation is sufficient but needs to be enforced and managed better. There is also concern that the suggestion of an “intermediate license” will become an additional income stream unnecessarily – leaving the citizen short in the pocket whilst providing no resolution to any of the other issues that our road safety faces.



Suggestions from the “Not Fully” comments, include;

Concern; 0% Alcohol limit

1. “This law would create a culture of police state whereby citizens would be victimized for having a glass of wine at dinner. I would rather suggest stronger penalties for drunk driving and the immediate suspension of driver licenses at roadblocks.”
2. “The purpose of the law is to regulate social behaviour, not control society. The moment it does, it is infringing on the human rights of every citizen of SA.”
3. Keep the existing limits but enforce stricter sentencing and harsher fines if found guilty of drinking and driving.
4. “South Africa has a public transport system which is in a serious state of neglect and it is unrealistic to impose draconian legislation of this nature when people are unable to rely on buses and trains to travel to their venues of choice. Not everybody can afford to hire an Uber or taxi every time they want to play sport or meet up with friends to socialise”
5. Medication and other products such as mouth wash also contain alcohol, the legislation needs to provide for this without creating a situation where a citizen can be victimised by the traffic officials.
6. All testing kits require calibration and the public should be shown this certificate by the traffic official before any breathalyser tests are performed as part of their standard procedure.

Concern; Other

1. “Enforce the current law on all equally.”
2. “Stop the corruption by officials.”
3. “Please focus on the integrity of government officials first then you can change regulations”
4. The taxi industry should be regulated better over and above these proposed amendments. Even without alcohol consumption, they are a danger to their passengers and fellow road users.
5. “I support all those changes that will lead to making our roads safer, but without taking away any rights that I should have constitutionally.”
6. “The answer is in effective policing, stricter punishment for officers who take bribes and stricter punishment for those to be driving drunk.”
7. “If a person has been convicted of a crime, they should not be able to work for government departments.”

Concern: Licence testing

1. “This puts more red tape on the matter and opens more doors for corrupt dealings. It is not viable.”
2. “It is already a nightmare just to get dates for writing your learners license. Then booking your driver’s license now we must slot in additional requirement. Putting additional pressure on a department who already cannot meet the current demands from public. “
3. “Just creates more paperwork, more expense, more opportunity to loot, more employees for the state to pay”.
4. “The introduction of a license between learners and drivers will increase cost, and that cost will ultimately come down on the consumer, as well as the regulation of driving schools. Just enforce the laws that are already in place.”



Concern: Regulation of driving instructors

1. "I believe that excessive regulations are just an impediment to the free market process, it is to benefit the existing business by ensuring an entry barrier to new entrepreneurs. I fail to understand what the reasoning is behind this idea and what benefit it will bring other than to add costs and additional administrative burdens to the local authorities."
2. "As it has been before, the system is open to abuse in its regulation. The current system is not working and any new system opens many new opportunities to corruption."
3. "We need a spotlight on fraud and corruption."
4. "The regulating of driving instructors is going to create a massive field for bribery and fraud."
5. "There seems very little regulation as to who may become an instructor since driving school instructors often seem to not abide by traffic rules themselves."

Of the "No I do not" comments, the public in this category have multiple reasons for opposing the proposed amendments. The common theme states that the current legislation is sufficient but requires improvement on the enforcement of this legislation. The public transport has also been identified as an area that requires urgent attention and prosecution of any drivers that are not adhering to the laws of the road.

Suggestions from the "No I do not" comments, include;

Concern; 0% Alcohol limit

1. This amendment could result in an increase of unfair prosecutions without solving the issue of drunk driving. Corruption and bribery are rife amongst traffic officers and this legislation could further perpetuate this problem.
2. "Many types of medication can test positive for alcohol on a testing kit – how will this be managed and mitigated if the tolerance is 0%?"
3. "The problem isn't that the current legislation isn't good or effective. The problem is that the current legislation is not enforced properly. Some medicines contain alcohol. This hasn't been thought through properly"
4. "Our current regulations are perfectly reasonable; they are simply not enforced correctly due to police corruption. Changing the law will not improve the amount of drunk driving, because police are still corrupt and will still accept bribes. The proposed law will only serve to increase the load on the courts, with people being arrested for having a very low amount of alcohol in their systems, which could even be due to eating certain foods."
5. Address and enforce legislation in the public transport sector for improved road safety. The alcohol limits currently in place are sufficient but need to be enforced correctly.

Concern; Other

1. "All of the above are top concerns."
2. "citizens are already heavily paying a lot with licenses renewal for ourselves and cars", the fees should be kept in line with the affordability of the consumer's pocket especially during the COVID-19 pandemic.
3. "Additional laws and regulations will not fix broken institutions and failure to enforce the law. Fix the execution and stop adding additional complexities further inhibiting the institutions from being able to enforce the law."
4. "Catch your own corrupt police instead of penalising the public."
5. "The proposal is unworkable and will promote bribery."
6. "85% of South Africans are drinking, it will mean that there should be no car on the road, I suggest the 0.08%".
7. "E toll must be scrapped for good."



Concern: Licence testing

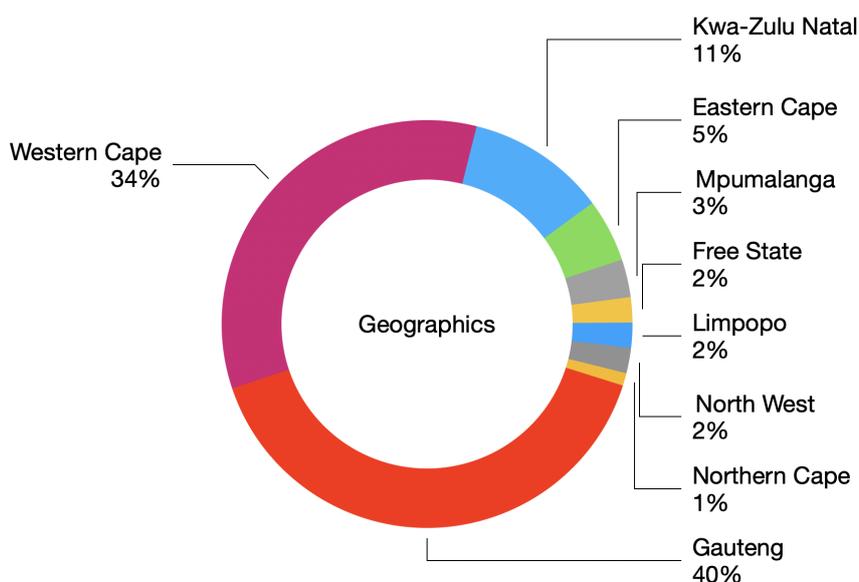
1. "Extend to 10 years."
2. "Enforce current legislation, punish the corrupt. New legislation does not change behaviour"
3. "You can either drive or you cannot. There is nothing wrong with the current system, so why complicate it unnecessarily."
4. "Having an intermediate licence is a good excuse for collecting more money."
5. "The effort and energy should be channelled into monitoring drivers and ensuring that they have legitimate driving licences and don't transgress the laws of the road. The proposed amendment is just another opportunity for bribery and corruption by our compromised police force."
6. "Laws already in place but not properly policed. Same applies to drinking and driving instructors."
7. "The point demerit system is flawed, as you are guilty until proven innocent."

Concern: Regulation of driving instructors

1. "Actually, all the proposed changes are serious government overreach"
2. "Micro-governance and excessive control is a paved route to discriminate small businesses"
3. "To many drivers get their licences illegally thus creating a danger on the roads. They want to lower the alcohol limit but obeying normal road sign instructions i.e. stop streets and red lights obstructing intersections are absolutely ignored by the traffic officials."

Demographics

Comments originated from all provinces with the greatest input arising from Gauteng, followed by Western Cape and KZN. Demographics can be further broken down into comment options (yes, no, not fully) and by top concern per region upon request, or view the Excel spreadsheet attached.



Thank you

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