

MEDIA RELEASE	PSA denounces Road Traffic Management Corporation for plan to implement AARTO demerit system
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The Public Servants Association (PSA) denounces the planned implementation of the *Administrative Adjudication of Road Traffic Offence (AARTO) Act* and its demerit system in South Africa.

The PSA believes that the implementation of the demerit system will not curb road accidents in the country, in opposite the demerit will result into an increase in chronic maladministration, fraud, unemployment and crime. The lack of visibility by of Traffic Officers, attributed to understaffing, is the main contributor to road unsafety. The PSA calls on the Minister of Transport to suspend the implementation of the demerit system until all key stakeholders are fully consulted, and whilst alternative avenues are pursued in strengthening road safety.

Whilst the primary goal of AARTO is to improve road safety and encourage compliance with traffic laws, some of issues that have led to public dissatisfaction and concern. These include the removal of right to court, with a major point of contention being the decriminalisation of most traffic violations, shifting the process from courts to being administrative. This removes motorists' right to be tried by a competent court and replaces this with a complex administrative process of representation and appeal to a small appeals tribunal, which will result in massive backlogs.

In respect of presumption of guilt, critics argue that the AARTO system operates on the principle of guilty until proven innocent, as the burden is often on motorists to actively respond to notices. Otherwise, an enforcement order will be issued, and demerit points will be allocated. In respect of serving of notices, concerns have been raised regarding practicalities and proof of electronic service (email, SMS, *etc.*) and whether motorists will reliably receive and respond to infringement notices, which could quickly result in an enforcement order. The system further places a significant administrative burden on companies that own vehicles (fleets, delivery businesses) by requiring them to appoint a proxy and ensure demerit points are correctly allocated to the actual driver. Failure to do so can result in higher fines and demerits/blocks on the business.

There are also fears that the administrative complexity and high stakes of losing a licence could lead to an increase in bribery and corruption to circumvent the demerit system. The implementation of the demerit system will mainly affect South African drivers' licence, particularly considering that part of the phases includes suspension of driving licences. Most employees in the country were employed with a driver's licence as a requirement. The consequences of a suspended driving licence automatically jeopardise employment opportunity whilst the country is confronted with the highest unemployment crisis ever.

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