



THE AUTOMOBILE ASSOCIATION OF SOUTH AFRICA NPC

Denis Paxton House
4 Hyperion Road
Barbeque Downs
PO Box 596, Johannesburg, 2000
Tel (011) 799 1000, Fax 086 524 2251
E-mail: aasa@aasa.co.za

The Chair
The Parliamentary Portfolio Committee on Transport
c/o Valerie Carelse
Email: vcarelse@parliament.gov.za

cc: The Road Traffic Infringement Authority
Adv Mncedisi Bilikwana
Executive Head: Legal and Compliance
Email: Mncedisi.Bilikwana@rtia.co.za

12 November 2021

Dear Chair,

ALLEGATIONS OF “SERIOUS MALADMINISTRATION” BY THE REGISTRAR / CEO AND OTHER SENIOR OFFICIALS OF THE RTIA

The Automobile Association (AA) notes the media statement by the Road Traffic Infringement Agency (RTIA) that the Registrar of the Road Traffic Infringement Authority (RTIA), Mr Japh Chuwe, has been dismissed by the RTIA's Board.

We further note the RTIA's advisory that the dismissal took place as a result of investigations conducted by an independent firm of forensic investigators appointed by the RTIA's Board into the 2019/2020 audit findings of the Auditor-General of South Africa, and whistle-blower reports on allegations of “serious maladministration” by the Registrar/CEO and other senior officials.

The RTIA arises as a consequence of the AARTO Act (Act 46 of 1998). Mr Chuwe has been employed at the RTIA for nearly 15 years, initially as a Senior Manager, and latterly as Registrar/CEO from 2010 until his dismissal.

He was therefore either closely adjacent to those who were accountable, or was himself directly accountable for the following events:

- the runup to and rollout of the AARTO pilot project which was launched in 2008 for what was advised would be approximately an 18-month period;
- the failure of the AARTO pilot project and the inexplicable delays in the project's feedback and review process;
- the abuses of process and disregard for the AARTO Act which led to a judicial finding against the RTIA in the Fines 4 U case heard in the North Gauteng High Court;
- the revisions of the AARTO Act which removed key protections of administrative fairness at the core of AARTO and introduced further complications; and,
- the contradictory and revenue-orientated revisions of the AARTO regulations, including the introduction of the Infringement Penalty Levy and the revisions to Schedule 3 which are both disproportionate and unfair, notably towards those who drive for a living.

DIRECTORS: SAH Kajee (Chairman), WL Groenewald (CEO), NP Crous (CFO)
L Dixon*†, MA Mello*, BF Mohale*, C Soobramoney*, RA van Wyk*(*Non-executive †British)
EJ Willis (Company Secretary)

THE AUTOMOBILE ASSOCIATION OF SOUTH AFRICA NPC REG NO 1932/004001/08

The failure of the RTIA to implement a just, equitable and effective traffic enforcement system therefore rests primarily with Mr Chuwe. Under his tenure, the organisation was dysfunctional, unable to implement and administer AARTO.

However, this dysfunction persists: even five months after the RTIA's renewed commitment to roll out AARTO, the "AARTO Service Outlets" which have been set up can provide motorists no definitive advice, since the final AARTO Regulations have yet to be gazetted. It should have been evident to the RTIA – as it was to the AA – that no purpose could have been served by proceeding prior to regulatory finality.

We accordingly request the Committee to consider the following and provide us with feedback:

1. That attempts to roll out AARTO be halted;
2. That the Minister of Transport be advised to repeal the AARTO Act, thereby dissolving the dysfunctional RTIA and again placing traffic enforcement exclusively under the auspices of the Criminal Procedure Act for the time being;
3. That the details of the reasons for which Mr Chuwe was dismissed be released in full, including all material dates and events, the Rands value of any financial loss to the RTIA, and should such losses have arisen, the steps government is taking to recover such losses;
4. That further details of the alleged serious maladministration by "other senior officials" as referred to by the RTIA in its media statement be released, along with information on the processes under way for the RTIA to obtain redress.

The AA believes the time has come for the Committee to place road safety above profit.

Yours faithfully,



Layton Beard
Head: PR & Advocacy
AA South Africa