

## Department of Transport to appeal Aarto ruling

The Department of Transport will appeal a Pretoria High Court ruling that last week declared the Administrative Adjudication of Road Traffic Offence (Aarto) Act, unconstitutional and invalid.



This was on Tuesday revealed by transport minister Fikile Mbalula during the release of the 2021 festive season road fatality statistics.

The Act, he said, was “the final piece of the puzzle in the implementation of a new road traffic management system.”

The minister said the department remained resolute and persevered through challenges.

He said it was also important to appreciate that the festive season campaign was not implemented in a vacuum, but is “firmly located within a broader safety campaign, 365 Days Action Agenda”.

He said: “This is anchored on policy framework that is rooted in law and reinforced by a social pact with the motoring

public and organs of civil society to change behaviour on our roads.

“Our arsenal of interventions aimed at delivering a reduction of 25% of fatalities on our roads includes policy and legislative interventions.”

He said maintaining national norms and standards was “necessary to ensure effective performance by municipalities of their executive authority”.

The Minister said this was equally true of maintaining the economic unity of the republic and arrest the negative impact of road fatalities and crashes on the economy.

He said there was no better illustration of the need to maintain economic unity of the Republic than the reality that the long-term liabilities of the Road Accident Fund were now government’s largest contingent liability.

The Department anticipates that claims against the RAF would increase to R518.7bn in the 2023/2024 financial year.

He said a fragmented system that fails to recognise the importance of a system grounded on national norms and standards in order to maximise its effectiveness would only result in chaos and serve as a perverse incentive for unlawful behaviour.

“This principle is evident in all our laws that regulate road traffic matter in the country, with the primary legislation regulating road traffic being the National Road Traffic Act of 1996,” he said.

This law, he said, was further bolstered by the Road Traffic Management Act of 1998, which establishes an institutional arrangement that recognises the executive authority of provinces and municipalities.

The Administrative Adjudication of Road Traffic Offence (Aarto) provides an adjudication system for infringements of the rules of the road determined by the National Road Traffic Act.

He added that the importance of Aarto in driving behaviour change of motorists and providing disincentives for unbecoming conduct could be overemphasised.

He added that as the department continued to use legislative instruments to strengthen the road traffic regulatory framework, Parliament was considering the proposed amendments to the National Road Traffic Act, to reduce the permissible alcohol limit for motorists.

“We believe this is an important element in our efforts to arrest the scourge of fatalities on our roads,” he said.

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