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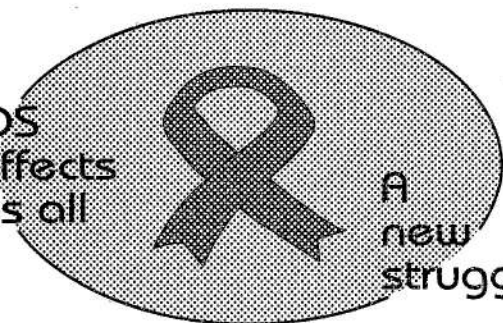
Vol. 418

PRETORIA, 7 APRIL 2000

No. 21077

We all have the power to prevent AIDS

AIDS
affects
us all



A
new
struggle

Prevention is the cure

**AIDS
HELPLINE**

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DEPARTMENT OF HEALTH

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GENERAL NOTICES

NOTICE 1538 OF 2000

DEPARTMENT OF TRANSPORT

PROPOSED ROAD TRAFFIC MANAGEMENT CORPORATION AMENDMENT BILL

The National Department of Transport hereby publishes the proposed Road Traffic Management Corporation Amendment Bill, 2000 for public information, discussion and comment.

The explanatory summary of the Bill is hereby published in accordance with Rule 241(c) of the Rules of the National Assembly.

The Bill amends the Road Traffic Management Corporation Act, 1999, so as to provide for the period within which the chief executive officer must be appointed after the commencement of the Act; and to provide that the requirements for appointment as a chief executive officer and those of managers of functional units shall be determined by the Shareholders Committee.

Comments should be sent or faxed to: The Director-General: Transport
Attention: Mr Aubrey Thabo Tsholetsane
Department of Transport
Private Bag X193
PRETORIA
0001
Fax: (012) 309 3134/ 309 3812

Comments must be received on or before 20 May 2000.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Road Traffic Management Corporation Act, 1999, so as to provide for the period within which the chief executive officer must be appointed after the commencement of the Act; and to provide that the requirements for appointment as a chief executive officer and those of managers of functional units shall be determined by the Shareholders Committee.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 15 of Act 20 of 1999

1. Section 15 of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999) is hereby amended —

(a) by the substitution for subsection (1) of the following subsection:

"(1) The Shareholders Committee must, subject to subsection (3), appoint a chief executive officer of the Corporation within **[one month]** three months after the date of commencement of this Act.

(b) by substitution for subsection (3) of the following subsection:

"(3) Any person appointed as a chief executive officer of the Corporation must [—

(a) **have at least five years managerial experience of which at**

least three years must have been gained in an executive capacity;

- (b) be knowledgeable about road traffic affairs; and
- (c) be a South African citizen, unless the Shareholders Committee determines otherwise comply with the requirements as determined by the Shareholders Committee for the post."

Amendment of section 19 of Act 20 of 1999

2. Section 19 of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999) is hereby amended —

- (a) by the substitution for subsection (3) of the following subsection:

- "(3) Any person appointed to the post of manager must [—
- (a) be knowledgeable about road traffic management and operations;
- (b) have proven executive managerial experience; and
- (c) be a South African citizen] comply with the requirements as determined by the Shareholders Committee for the post."

Short title

3. This Bill is called the Road Traffic Management Corporation Amendment Bill, 2000.

MEMORANDUM ON THE OBJECTS OF THE ROAD TRAFFIC MANAGEMENT CORPORATION AMENDMENT BILL, 2000

1. In terms of section 3 of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999) ("the Act"), a juristic person called the Road Traffic Management Corporation ("the Corporation") is established. The composition of which consists of a Shareholders Committee; a chief executive officer; a board; managers of functional units and such professional, technical, administrative and support staff as may be required for the proper performance of its functions. The Shareholders Committee consists of the Minister of Transport; every Member of the Executive Council responsible for road traffic in a province and two representatives appointed by the national organisation recognised in terms of the Organised Local Government Act, 1997.
2. In terms of section 15 (1) of the Act, the Shareholders Committee must appoint a chief executive officer of the Corporation within one month after commencement of the Act.
3. In terms of section 15 (3) of the Act, any person appointed as a chief executive officer of the Corporation must have at least five years managerial experience of which at least three years must have been gained in an executive capacity; be knowledgeable about road traffic affairs; and be a South African citizen, unless the Shareholders Committee determines otherwise.
4. In terms of section 19 (3) of the Act, Any person appointed to the post of manager must be knowledgeable about road traffic management and operations; have proven executive managerial experience; and be a South African citizen.
5. In order to implement the Act effectively, the period within which the chief executive officer is to be appointed after the commencement of the Act need to be changed and also the requirements to be appointed as the chief executive officer and a manager need to be changed to enable the Minister to head hunt the suitable candidates for the posts.

CONSULTATION

6. The Minister of Transport consulted with the Members of the Executive Council responsible for traffic and/or transport of the nine provinces where a consensus regarding the proposed changes was reached.

IMPLICATION FOR PROVINCES

7. None

FINANCIAL IMPLICATIONS FOR THE STATE

8. None

PARLIAMENTARY PROCEDURE

9. The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with section 76 of the Constitution.

PROPOSED ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES THIRD AMENDMENT BILL

The National Department of Transport hereby publishes the proposed Administrative Adjudication of Road Traffic Offences Third Amendment Bill, 2000 for public information, discussion and comment.

The explanatory summary of the Bill is hereby published in accordance with Rule 241(c) of the Rules of the National Assembly.

The Bill amends the Administrative adjudication of Road Traffic Offences Act, 1998, so as to provide afresh for the appointment of registrar, deputy registrars and representation officers.

Comments should be sent or faxed to: The Director-General: Transport
Attention: Mr Aubrey Thabo Tsholetsane
Department of Transport
Private Bag X193
PRETORIA
0001
Fax: (012) 309 3134/ 309 3812

Comments must be received on or before 20 May 2000.

GENERAL EXPLANATORY NOTE:

[] Words in bold type in square brackets indicate omissions from existing enactments.

_____ Words underlined with a solid line indicate insertions in existing enactments.

BILL

To amend the Administrative Adjudication of Road Traffic Offences Act, 1998, so as to provide afresh for the appointment of registrar, deputy registrars and representation officers.

BE IT ENACTED by the Parliament of the Republic of South Africa, as follows:—

Amendment of section 8 of Act 46 of 1998

1. Section 8 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) is hereby amended —

(a) by substitution for subsection (1) of the following subsection:

"(1) The members of the Board referred to in section 6 (1) (a) and (b) must appoint a person **[with proven expertise in corporate and financial management]** who complies with the qualifications and experience determined by the Minister as the registrar of the Agency.

Amendment of section 9 of Act 46 of 1998

2. Section 9 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) is hereby amended —

(a) by substitution for subsection (2) of the following subsection:

"(2) No person may be appointed as a deputy registrar unless that person [—

- (a) has occupied a post of magistrate under the Magistrates Act, 1993 (Act No. 90 of 1993), or a post of senior prosecutor, for an interrupted period of at least five years; or
- (b) has a tertiary qualification in financial or information management and at least three years appropriate experience]

complies with the qualifications and experience determined by the Minister.

Amendment of section 10 of Act 46 of 1998

3. Section 10 of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) is hereby amended —

(a) by substitution for subsection (2) of the following subsection:

"(2) No person may be appointed as a representations officer unless that person [—

(a) holds a legal qualification and has proven expertise in the field of road traffic law; or

(b) holds a qualification in road traffic management and control approved by the board] complies with the qualifications and experience determined by the Minister.

Short title

4. This Bill is called the Administrative Adjudication of Road Traffic Offences Third Amendment Bill, 2000

MEMORANDUM ON THE OBJECTS OF THE ADMINISTRATIVE ADJUDICATION OF ROAD TRAFFIC OFFENCES THIRD AMENDMENT BILL

1. In terms of section 6 (1) of the Administrative Adjudication of Road Traffic Offences Act, 1998 (Act No. 46 of 1998) ("the Act"), the Road Traffic Infringement Agency Board ("the Board") is established to represent and control the Agency, comprising three persons, who are not employed by the State, appointed by the Minister on account of their commercial and technical expertise; a Director of Public Prosecutions, nominated by the National Director of Public Prosecutions, in consultation with the Directors of Public Prosecutions; and the registrar of the Agency. Section 6 (2) of the Act makes provision for the Minister to publish, prior to their appointment, the names of the persons proposed to be appointed as members of the Board in the *Gazette* and invite comment on the suitability of such member for appointment.
2. In terms of section 8 of the Act, the members of the Board must appoint a person with proven expertise in corporate and financial management as the registrar of the Infringement Agency.
3. In terms of section 9 (2) of the Act, no person may be appointed as a deputy registrar unless the person has occupied a post of magistrate under the Magistrates Act, 1993 (Act No. 90 of 1993), or a post of senior prosecutor, for an interrupted period of at least five years; or has a tertiary qualification in financial or information management and at least three years appropriate experience.
4. In terms of section 10 (2) of the Act, no person may be appointed as a representations officer unless that person holds a legal qualification and has proven expertise in the field of road traffic law; or holds a qualification in road traffic management and control approved by the board.
5. The requirement for the appointment of the registrar, the deputy registrars and the representations officers need to be changed in order for the Minister to head hunt and that suitable persons be identified by the Minister for the said positions.

CONSULTATIONS

6. The Minister of Transport consulted with the Members of the Executive Council responsible for traffic and/or transport of the nine provinces where a consensus regarding the proposed changes was reached.

IMPLICATION FOR PROVINCES

7. None

FINANCIAL IMPLICATIONS FOR THE STATE

8. None

PARLIAMENTARY PROCEDURE

9. The State Law Advisers and the Department of Transport are of the opinion that this Bill must be dealt with in accordance with section 76 of the Constitution.

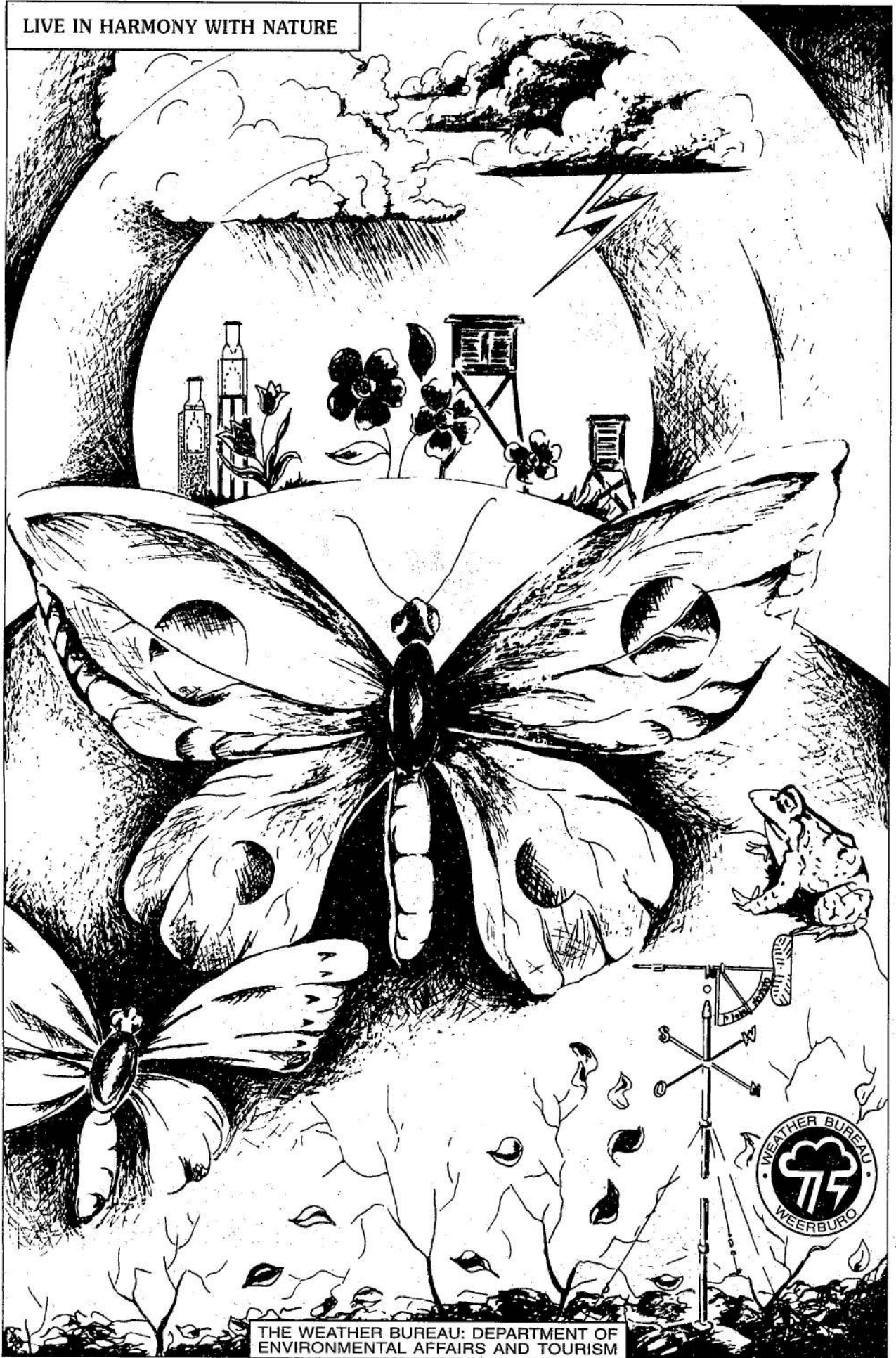


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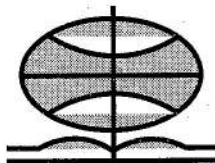
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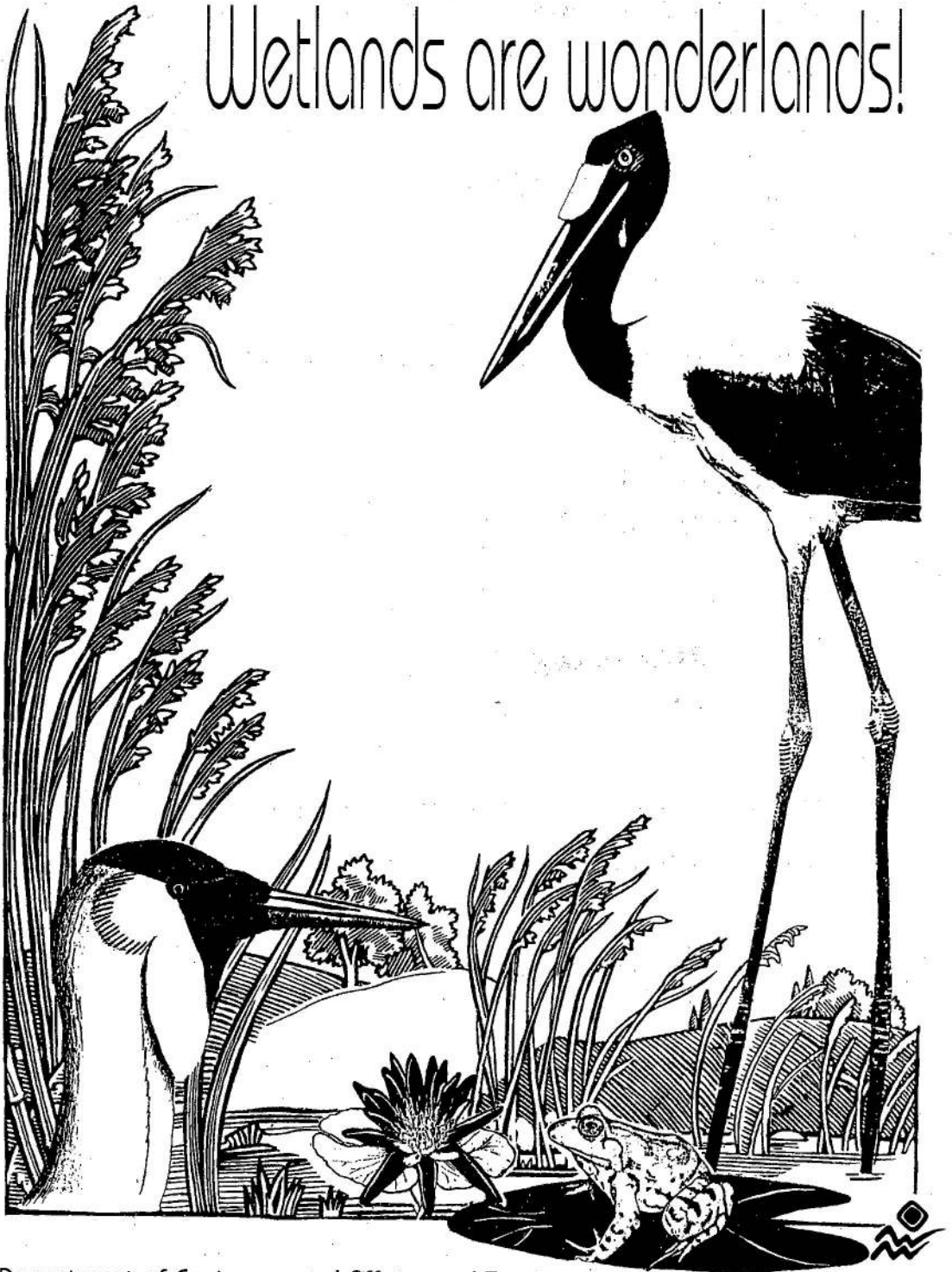
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