

01 March 2011

**MOTION ON PUBLIC TRANSPORT STIFF FINES  
HON MOONGO**

**MOTION ON PREVAILING REASONS FOR THE CURRENT OUTCRY THAT  
HAS LED TO THE PUBLIC TRANSPORT OPERATORS STAGING A PROTEST  
IN JANUARY 2011, WHICH ULTIMATELY RESULTED IN A CLASH WITH  
THE LAW ENFORCEMENT AGENCIES**

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**HON MOONGO:** I Move the Motion.

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**HON SPEAKER:** Who seconds? Any objection? Agreed to. The Honourable Member has the Floor.

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**HON MOONGO:** Thank you, Honourable Speaker, Honourable Members. I move to discuss the Motion on the stiffer fines introduced recently for drivers in Namibia. In the early history our forefathers used to travel on land with typical African means, such as on horseback, on donkeys, on foot, on ox wagons and on the humps of camels. In these modern times people have turned to vehicles due to safety, comfort and to get to their destination in the shortest space of time.

Honourable Speaker, Honourable Members, it is a fact that the laws and regulations must address pressing problems, such as minimising road accidents caused by drivers, drunken driving and speeding that happens on Namibian roads on a daily basis. I agree we cannot allow that lives should be lost this way.

Mr Speaker, Honourable Members, my understanding is that stiffer fines are not the solution. The best would be to educate the taxi drivers and road users. Some did not obtain their licences with the good understanding to become responsible citizens and how to obey traffic rules in order to be able to avoid accidents that may lead to unnecessary loss of lives. Instead, some of the taxi drivers often obtain their driving licences only with the intention of getting into the transportation industry in order to earn quick money to alleviate unemployment, misery and poverty in Namibia.

Mr Speaker, Honourable Members, the stiffer fines are only meant for officers to earn higher salaries without thinking of the ordinary person who is struggling to make ends meet. These stiffer fines must be done away with or reviewed. Let us not suppress the majority of our people who are already struggling to feed their families. The best way is to review and amend the regulations and that the stiffer fines are changed as to be agreed upon by all stakeholders in the transport industry. The law is made to protect and not to impoverish people economically. The stiffer fines are serving one side of the economic sector. It hurts the struggling poor and enriches a certain sector only. At the same time it creates anger in the hearts of the taxi drivers and bitterness against the Government that is supposed to protect people against exploitation and to improve their well-being.

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The Taxi Industry will collapse and the taxi fees will be increased and the passengers will be the ones most affected, to the point that they would not be able to afford taxi fees. In the long run we are going to end up with a situation whereby the people of Namibia are going to revolt against the Government. Who has ever thought of dreamt that the people of Tunisia, Egypt and Libya would ever revolt against their Governments and demand that enough is enough? The taxi industry will collapse and the unemployment rate will increase and the hardship will be visible on the faces of ordinary Namibians.

No, you are here to listen to the cries of the people and not to enforce suppressing laws on the already poor people, because most of the people who are in the taxi industry and those who are using their services are the struggling working class people.

Honourable Speaker, Honourable Members, to illustrate the point, it is fact that Namibia has a skew society where a few people are rich and own big companies, while the majority are unemployed and live in widespread poverty, with a few of them earning a living in the taxi industry through self-employment because Government is unable to provide them with jobs.

Therefore, it is unfair to implement uniformity in the fines to be paid for offences, taking into account that we have an unequal society in terms of socio-economic development, a point which also has to be acknowledged in the Municipal legislation fines list and in the uniform traffic fines list. Namibia (indistinct) 2011 that these tentative fines cannot be fit to be used in all magistrates' districts, because some are very poor while others are too rich.

Mr Speaker, my above statement is stated from the uniform traffic fines list Namibia, Sections 54, 56, 72 and 76(5), as listed in the Criminal Procedure Act of 1977.

Mr Speaker, I am not saying that drivers should not be fined for traffic offences, but what I am saying is that the fines should be affordable to the ordinary person, such as taxi drivers. Had it been the Government of DTA we would have created a special fund to assist the Taxi Industry to have modern taxis to transport people in the Land of the Brave with high respect. We would have built modern taxi ranks with shelter against rain and sun, toilets and even small kiosks to serve the passengers.

Mr Speaker, Honourable Members, the idea of implementing higher fines is actually aimed at killing the Taxi Industry so as to reinforce the use of Municipal buses, thereby giving the Municipality a monopoly in the transport industry, because we know that most people prefer to travel by taxi rather than by bus. I am sure this is what they planned, but I say no to it.

I would hereby like to propose to the line Ministry that it should come with an amendment so that the fines could be reviewed with a clear mind for the goodwill of all our people, for example that this House introduces minimum fines from N\$400 and the

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maximum not exceeding N\$1 000 after three to four warnings. This type of amendment should also be applied to stock theft, as we know people are sentenced to twenty years for theft of a goat, while the value of a goat is N\$400. In this case the minimum should also be N\$400 and after three to four warnings the maximum fine could be applied.

Mr Speaker, Honourable Members, the law must serve the interests of the people, the law must not be selective and biased and the law must not be draconian. I hope that I will have the support of the House. Thank you.

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**HON SPEAKER:** I thank the Honourable Member for his motivation. Honourable Mushelenga.

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** Thank you very much, Honourable Speaker. I was listening attentively to Honourable Moongo's motivation of the Motion and I saw something dangerous he is trying to bring here. Firstly, he wants to create a wrong impression as if Government does not care. Only recently when there was a demonstration by the taxi drivers, they put up a committee of taxi drivers to negotiate with the relevant authority.

Honourable Moongo went on to make some serious allegations, statements that amount to allegations. He claims these fines were introduced for officers to earn high salaries, implying the officers who are actually apprehending the offenders. The impression he wants to create is that traffic officers are paid commission, which is not true. The payment of the fines has nothing to do with the salaries of the officers. When officers apprehend offenders, they simply do their work, just like Honourable Moongo comes to perform his work here or at the DTA Head Office.

Secondly, it must be understood that these fines are not imposed on taxi drivers only, they are imposed on all drivers, including Honourable Moongo. The only difference is that the taxi drivers make their living out of driving, unlike the Honourable Member and we should differentiate between the two. He clearly said the taxi industry is going to collapse if these fines are imposed. At the same time the Honourable Member wants to say taxi drivers should be encouraged to violate the laws. That is what he is saying, because by that statement he is implying they should be allowed to do that. That is a very dangerous statement, Honourable Member, and no wonder even his president did not clap hands after he motivated his Motion.

The Honourable Member went on and made some insinuations about public revolt as it happened elsewhere. The Honourable Member is trying to make jokes out of serious situations. Perhaps he thinks if violence erupts he will be spared. He might be surprised that he will be the first casualty. (Intervention)

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**HON MOONGO:** On a Point of Order. I do not think it is allowed for words to be put in the mouth of another Member, because I only asked for reasonable fines which are affordable to the poor people. A taxi driver cannot afford to pay N\$4 000.

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**HON DEPUTY MINISTER OF FOREIGN AFFAIRS:** The Honourable Member cannot out of fear try to underplay what I was trying to tell him, namely that when violence erupts, he might be the first casualty, because it sometimes comes in a very indiscriminate form.

When we start discussing bread and butter issues, let us discuss them bearing in mind that we are lawmakers and we are leaders who have to provide guidance and leadership to those they lead. If your leadership promotes or advocates anarchy and lawlessness, that is a different thing. If the Honourable Member wants to have a country, as is stated in our Constitution, based on the rule of law, we need to have some laws, we need to have some regulations in place.

As I said, when the taxi owners demonstrated Government went to meet their committee in order to go and discuss matters, not to come and put up a show in Parliament as if one cares more than others. We have a responsibility to provide guidance and leadership to those that we lead.

The Honourable Member went on talking about draconian laws and I think he forgot about the Standing Rules and Orders. Him, being an Honourable Member of this House, cannot go about derogating the laws that this very same House passed.

Honourable Speaker, I somehow had sympathy with the Honourable Member when I saw the way he was motivating. In the absence of previous Honourable Members of his party that I do not see here, one could really sympathise with the Honourable Member that he took the line of argument that he took. My appeal to the Honourable Member is that let us not subject a serious bread-and-butter issue to cheap politics and politicking.

With these words, Honourable Speaker, I put my case to rest.

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**HON SPEAKER:** Thank you. Honourable Kaura.

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**HON KAURA:** Thank you, Honourable Speaker. If one drives through a red light, the punishment is N\$3 000. If you are caught speaking on a cell phone, the punishment is N\$2 000. If you go through a stop sign, the punishment is N\$1 500. Somebody who has committed murder goes out on bail of N\$1 000. I want to ask the Honourable Members, how do you look at that balance of justice? Going through a red light is N\$3 000, but somebody who has committed murder goes out on bail of N\$1 000 and even somebody

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who has killed his wife did not even go to jail, he had to pay a fine for killing his wife. That is the balance of justice you find in this country.

We have travelled the world, go to New York, downtown Manhattan, there are yellow taxis that will pick you up anywhere on the street. There are no limitation that there are certain parking areas for taxis where you must go to get a taxi. Downtown Manhattan, 42<sup>nd</sup> Street, Fifth Avenue, First Avenue, in front of the United Nations you can take a taxi there, but in Namibia you can take a taxi anywhere in Katutura, but downtown in Windhoek in Independence Avenue you cannot take a taxi. What is the apartheid between downtown Windhoek and Katutura? (Intervention)

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**HON DEPUTY MINISTER OF GENDER EQUALITY AND CHILD WELFARE:**

May I ask the Honourable President of the DTA a question? Honourable Kaura, I heard that the Government has met with a committee of the taxi drivers, but the DTA wants to take this case out of the hands of the Government. Do you want to bring this case to your party or where do you want to take this case?

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**HON KAURA:** There is a Parliament in Namibia and this Parliament is at liberty to interrogate any issue. Downtown Windhoek in Independence Avenue you cannot take a taxi. There is a difference here, just like it was before. Taxis of black people must not come to Independence Avenue, they must pick up black people going to Katutura at the outskirts of downtown Windhoek in an Independent Namibia, but in New York you can take a yellow taxi anywhere. Are you aware of that fact that these remnants of apartheid South Africa are still prevailing here in Namibia and mind you, before the end of the month you would find speed traps in Independence Avenue, going to Katutura, not in Ludwigsdorf, not in Pioniers Park, not in Olympia, but on Independence Avenue going to Katutura. Why target the people going to Katutura? Why that selective justice in an independent Namibia? And who are people targeted? It is the taxi drivers. Is that fair?

Honourable Speaker, during the festive season it was highly commendable that on our B.1 roads there were these roadblocks to serve as a deterrent, for people to know the traffic people are out in full force. In the United States there are highway patrols that are on the highways twenty-four hours a day and they serve as a deterrent. You know if you drive very fast, you would run into a highway patrol, but in Namibia, except for the festive season, you do not see any highway patrols at all, therefore people become used to driving as they feel like and then during the festive season there are speed traps and people receive heavy fines.

Personally I have a problem with the balance of justice where a person who has committed bail goes out on bail of N\$1 000, but somebody who went through a red light is fined N\$3 000. This is what is happening and the fact that up to now Katutura and downtown Windhoek are treated differently. Maybe it is because Katutura is a black

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location. We must look at this because it is a perpetuation of injustice in Namibia. Thank you very much.

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**HON SPEAKER:** Somebody said bad laws must be obeyed as long as they stand. Until they are changed we must obey them, but things like this really do not sound right to my ears and I must confess I did not know. We have to find a way to look at these kinds of things. It is our laws that we pass here that make the situation sound so bad, but since they are there we must obey them. I think we should try to find a way to change them and there are ways to do that. Honourable Minister of Justice, do justice to this.

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**HON MINISTER OF JUSTICE:** Thank you, Comrade Speaker. Comrade Speaker, this issue is of national importance and, therefore, to do justice to it I would like to postpone the Debate until the 10<sup>th</sup> of Marcy 2011, that is Thursday next week.

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**HON SPEAKER:** I will keep that in abeyance for now. Honourable Kazenambo.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE AND CULTURE:** Thank you, Honourable Speaker. Firstly, I would like to state categorically that I will not buy into the political undertones which have been brought into this important issue of national interest by Honourable Moongo in his motivation speech. However, I will make my contribution based on experience, based on my observations and I would like to also, first and foremost, appreciate the sober and progressive way in which the Government is approaching the taxi owners through their representative committee that was mentioned here to see how Government will arrive at an amicable solution to this subject.

As a law-abiding citizen, as a person who drives on the roads of Namibia I do experience some of the issues that were mentioned by Honourable Kaura in his intervention and sometimes I wonder why they are happening, I cannot deny that, but really, sometimes we do not need to accuse one another. We do not need to personalise issues, we do not need to deny realities as I do not think that is helpful. However, I appreciate Government's approach and open-door policy. The Minister has been vocal on this matter, has been applying an open door to see how the situation could be resolved amicably. That should be the approach, rather than some presenting themselves as if they are the ones sympathising while others are condemning. No, as lawmakers we need to tackle issues, not tackle personalities.

Therefore, in that spirit one would not deny experiences that taxis are not allowed in Independence Avenue. However, taxis are driving there although they are not supposed to, but in London and New York you can get a taxi.

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enough to say that all our laws are embrative, all our laws are good, all our laws are in the best interest of society.

We should tackle them with openness without attacking or blackmailing one another. Instead of personalising or politicising, some of the issues need to be tackled and I think this is the spirit in which the Ministry is approaching it and while I appreciate that, the reality and factual issues cannot be denied.

Maybe the penalties need to be reconsidered, informed by a number of issues, such as socio-economic considerations. It needs to be revisited, as to what measures were used in arriving at these penalties.

However, to be honest, even the two Honourable Members who have spoken cannot deny the reality that sometimes some of our taxi drivers – and I am not generalising – are really a menace on the roads. That one cannot be denied, it is a fact. One even wonders how some of them acquired their driver's licences, whether they have acquired them in the normal way. Some of them have no respect even for their customers. It is not a question only of behaving on the road and being friendly to other road-users, but even their customers sometimes are at the mercy of these taxi drivers. The same is applicable to other road-users. (Intervention)

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**HON DEPUTY MINISTER OF JUSTICE:** May I ask a question? Now that you are talking about safety, education and respect, I am sure that you have travelled the world and you have also, as Honourable Kaura, used a taxi in New York or elsewhere. Have you experienced the situation whereby when you are in a taxi in New York or wherever, that the taxi driver opens the door for you to get out? Have you experienced anything of the sort in any of our mini buses or public transport, that the door is opened for you to get out or the only concern is to get money from you and not your safety?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE AND CULTURE:** It takes two to tango, Honourable Nambahu. Education is very critical and important and whether we want it or not, twenty years of independence is not enough for comparisons. Unfortunately we will keep comparing ourselves to nations that were liberated two hundred, five hundred years ago. It is not only with regard to taxis, it is also the way you are treated when boarding a plane or at the reception. The situation you have mentioned in other capitals is an established norm. Practice becomes norm over years because of level of education, level of civility. (Intervention)

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**HON KAURA:** May I ask a question? Based on our experiences, with the exception of the black London taxis, have you ever seen any difference in the psychology of taxi drivers the world over, whether in Berlin, Rome, Johannesburg, New York or Namibia?

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Have you seen any difference in the psychology in taxi drivers with the exception of the London taxis?

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**HON MINISTER OF YOUTH, NATIONAL SERVICE AND CULTURE:** The Singapore taxi drivers are exceptional, their customer care is exceptional. What we are sometimes expecting from the taxi drivers is what we are not offering to the taxi drivers, because I will keep saying that it takes two to tango. You approach a taxi driver, he is uneducated, poor and you are just rushing him, "*just drive man*" and he will respond accordingly. Some of them are really gentle, they are trying their best.

However, what I am saying is that we must deal with the environment. The psychology is the same to a certain extent, with a few exceptions, in taxi drivers, security guards, whether in New York or London. That is why I will keep on saying that I appreciate the approach of the Ministry of Works to handle this issue. We should not aggravate it, but we should help them, because sometimes it is we ourselves who force them to *drive fast* and our language is abusive. Pressure is exerted on this poor person by this powerful so-called educated person who is really insulting and humiliating this person. We should appreciate the fact that driving a taxi should be considered to be the same as the work I am doing in Parliament. Give them respect, give them decency and that is where the issue of justice comes in. Really, if this poor taxi driver is penalised N\$2 000, these are the questions that need to be applied.

With regard to what Honourable Kaura has said, sometimes we do not need to hide behind politics. I am sure many of the Members of Parliament who are here live in the east of the town. Many, not all of them – I never generalise – many of them live east of central Windhoek, they do not live west. The speed traps there are a reality, let us not deny it. You will not see them in Ludwigsdorf, in Auasblick, but you will see them on Hosea Kutako northwards. It goes northwards throughout, all the way to Oshikango, to Katima Mulilo, northwards they are there and it is a reality. However, if you go eastwards to Avis, Klein Windhoek and so on, they are there but not in the same numbers. That is why I am saying it needs a holistic approach, it needs an open approach. (Intervention)

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**HON MINISTER OF MINES AND ENERGY:** May I ask Honourable Kazenambo a question? Honourable Kazenambo, you are on the right track, the issue is very important and it should not be personalised or politicised. I have a question because you are saying the concentration of law enforcement is at certain points. Could it not probably be that those are the red areas, because they cannot be where they are not needed? If you take the road from Luderitz up to Windhoek and you recall how many buses had accidents on that road, it would be maybe two or three in a month, meaning that the people in Lüderitz and Keetmanshoop are better drivers and therefore, you may not find many traffic officers there because they are not needed. However, take the road to Oshikango, how many lives



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have been lost in those areas? That may warrant that the law enforcement is concentrated on those roads. How many accidents are reported in the City of Windhoek and in what areas did those accidents take place? We must not protect the people if they are not abiding to the laws. If they are endangering themselves and others, it needs to be looked at.

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**HON MINISTER OF YOUTH, NATIONAL SERVICE AND CULTURE:** In conclusion, my belief is that we have to look at it holistically and consider various factors. The example of the road northwards, from Brakwater to Oshikango to Katima Mulilo, the more you go there the number increases, it is densely populated and unfortunately also, the further you go north, because of the historical background of this country, the more poverty becomes pronounced. It is a reality. Okondjatu and Okotjituo, there is poverty.

That is why I am saying that when you are making these laws and in no way am I saying that our people should be given a blank cheque to violate the laws of this country, but if I can probe further and be honest, and I said I will avoid this, if you look at the so-called consultants who come up with these laws, we know who they are. One would not like to say so, but we know them.

With due respect, let us have a human face, let us not violate the laws because circumstances also dictate.

My brother, the people who live east of Windhoek drive cars based on their affordability. I am not saying our people who are living northwards should drive cars without lights, but sometimes they are forced by circumstances and I am not saying that they should be spared, but let us have justice in this issue, education and appreciate where we are coming from.

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**HON UEITELE:** Thank you, Honourable Speaker. I rise to contribute on the Motion. Honourable Speaker, allow me to draw the attention of the Honourable Members of this august House to the United Nations General Assembly Resolution proclaiming a decade of action for Road Safety, 2011-2020.

Honourable Speaker, according to the World Health Organisation Report at the inquest in the world's first road traffic death in 1896, the coroner was reported to have said: "*This must never happen again.*" More than a century later, 1,2 million people were killed on roads every year and up to 50 million were injured. These casualties of the road will increase if actions are not taken.

Honourable Speaker, on the 2<sup>nd</sup> of March 2010, Governments around the world took a historic decision to increase actions to address the road safety crisis over the next ten years and Namibia is one of those Government. The United Nations General Assembly Resolution proclaiming a decade of action for road safety, 2011-2020, was tabled by the Government of the Russian Federation and co-sponsored by more than ninety countries. The decade of action for road safety 2011-2020 aims to save lives by halting the increasing trend in the road traffic deaths and injuries worldwide.

Through the decade, Member States, with support of the international community, commit themselves to take actions in the area such as developing and enforcing legislation on key risk factors, for example, limiting speed, reducing drinking and driving and increasing the use of seatbelts, child restraint, motorcycle helmets. Efforts will also be undertaken to improve emergency trauma care, upgrade roads and vehicle safety standards, promote road safety education and enhance road safety management generally.

The recent initiative comes on the heels of the first global ministerial conference on road safety hosted by the Government of the Russian Federation in November 2009. The Moscow Declaration issued by Ministers and senior officials from 150 countries underlines the importance of protecting all road users, in particular those who are more vulnerable, such as pedestrians, cyclists and motorcyclists.

Honourable Speaker, Honourable Members, Namibia is part of the global community and as a signatory to the Moscow Declaration, Namibia was represented by the former Deputy Minister of Works, Transport and Communication, Honourable Paul Smit. Namibia must be seen to take actions against the road carnage that continues to rob the Nation of young and productive sons and daughters who are irreplaceable economic assets of our country.

Honourable Speaker, Honourable Members, the amendment to traffic fines is applicable to all categories of the road users, including all drivers, passengers and pedestrians. The traffic fines are not meant for taxis only or for those who can or cannot afford. The choice of getting caught on the wrong side of the law and to be issued with a traffic fine is optional. If all drivers and road users drive safely and observe all traffic laws, there will be no need for any traffic fines to be issued.

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Honourable Speaker, Honourable Members, one of the measures towards the achievement of compliance to the laws is to increase the effectiveness of our criminal justice system so as to ensure effective detection of offenders, prosecution of suspects and punishment of convicted criminals.

Honourable Speaker, Honourable Members, traffic fines and penalties help make our roads safer by deterring drivers from breaking road rules, but most importantly, you get dangerous drivers who commit serious or repeat offences on the road and that endanger other road users. The breach of law must be punished indiscriminately.

Honourable Speaker, Honourable Members, finally, being issued a ticket or fine should not be misconstrued to be a conviction. The suspect or offender will have the following options to consider:

1. To appear in court to defend his/her case.
2. To admit guilt and pay the required admission of guilt.
3. To approach the public prosecutor and apply for reconsideration of the admission of guilt.

Honourable Speaker, Honourable Members, in conclusion to achieve the objective of the decade of action for road safety 2011-2020 as well as the saving of precious lives that we lose on our roads every day, we should ensure that road users abide by the laws made by this august House or by any legislative body and desist from encouraging law-abiding citizens to break the laws that we make. I thank you.

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**HON SPEAKER:** Honourable Amweelo.

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**HON DR AMWEELO:** Thank you very much, Comrade Speaker. I also rise to contribute to this motion tabled by Honourable Moongo on the current outcry that has led to the public transport operators staging a protest in January 2011.

Comrade Speaker, if we look at the report on statistics in 2006, 2007, 2008 and 2009, the overall number of accidents in each Region, especially the casualty and fatality rates for each Region, especially the Otjozondjupa and Khomas Regions recorded by far the highest number of accidents of all types. This is attributed to the logic that the chances of an accident occurring are higher where there are more vehicles, such as in Windhoek for example. It is also apparent that where there are more vehicles there are more head-on, head-to-rear and sideswipe collisions and more collisions with pedestrians, whereas more single-vehicle overturns occur where there are fewer vehicles. It is also clear that most accidents occur where traffic is heaviest. Right now the number of vehicles in Windhoek is increasing.

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Accidents are classified into four categories as per se verity: fatal, serious, slight and damage only.

According to the National Road Safety Council report, the Road Safety Information Management System, Risk Factors report Drivers, a total of 17 718 drivers were involved in accidents in 2006. In 2007, a total of 20 138 drivers were involved in accidents. Passengers involved in accidents were about 4 724, pedestrians 603, while vehicles were about 19 995. In the Otjozondjupa Region it was 15 283 and in Khomas, about 8 466.

In 2008, drivers were 20 111, passengers 4 258, pedestrians 625, vehicles 19 519. In the Otjozondjupa Region it was 14 555 and in Khomas, 8 183.

In 2009 drivers were 22 486, passengers were 4 798, pedestrians 700 and vehicles were 21 820. In the Otjozondjupa Region it was 15 991 and Khomas 8 886.

Empirical evidence shows that driving too fast for the conditions is a major factor in accident causations, as stated by Sabey and Taylor in 1980. This finding places speed as one of the major contributing factors. Higher travelling speed increases the risk and increases the probability for severe impacts when things go wrong. The personalities of accident repeating drivers have been studied by a number of authors and have been found to include larger than expected proportions of aggressive, ruthless, psychopathic, impulsive and neurotic individuals. Personality dimensions have been correlated with driving offences and accidents.

Comrade Speaker, Honourable Members, what can we do as a nation in order to mitigate, curb or prevent the impact of road accidents?

- Demand the provision of safety features, such as seatbelts in cars and many modern cars are now fixed with airbags.
- Encourage enforcement of traffic safety laws and regulations and campaign for firm and swift punishment for traffic offenders. Driver's licence can be suspended for a certain period. Swift punishment could include fines, endorsement of driving licence, disqualification from driving for life and in the most serious cases, imprisonment.

Behave responsibly by:

1. Abiding by the speed limit on roads;
2. Refraining from driving when over the legal alcohol limit;
3. Always wearing a seatbelt and properly restraining children, even on short trips.
4. Wearing a crash helmet when riding a two-wheel.

Comrade Speaker, the question now is, how can we examine the role of traffic law

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enforcement by the police and the use of camera technology?

Zaal D, Traffic Law Enforcement: a review of the literature. Melbourne, Monash University Accident Research Centre” experienced that: “A major review on traffic law enforcement identified several important findings:

- It is critical that the deterrent be meaningful for the traffic law enforcement to be successful.
- Enforcement levels need to be high and maintained over a period of time so as to ensure the perceived risk of being caught remains high.
- Once offenders are caught, their penalties should be dealt with swiftly and efficiently.
- Using enforcement strategies to target particular risk behaviours and choosing specific locations, both improve the effectiveness of enforcement.
- Of all the methods of enforcement, automated means – such as cameras – are the most cost effective.
- Publicity supporting enforcement measures increases their effectiveness. Used on its own, publicity has a negligible effect on road user behaviour.

A study in Canada found that the enforcement of traffic rules reduced the frequency of fatal motor vehicle crashes in countries where there are more vehicles. At the same time, inadequate or inconsistent enforcement could contribute to thousands of deaths worldwide every year. It has been estimated that if all current cost-effective traffic law enforcement strategies were rigorously applied by our country, then as many as 50 percent of deaths and serious injuries in the country might be prevented. Good enforcement is an integral part of road safety.

Research has shown that primary enforcement, such as where a driver is stopped solely for not wearing a seatbelt is more effective than secondary enforcement where a driver can only be stopped if another offence has been committed. This was stated by Rivara FP et al IN THE American Journal of Preventive Medicine in 1999.

According to Schults R, primary enforcement can increase seatbelt use, even where the level of use is already high. Many studies at both national and international levels have shown that enforcement increases seatbelt use if it meets certain conditions. The enforcements needs to be highly visible and well publicised, conducted over a sufficiently long period and repeated several times during a year. The traffic enforcement programmes carried out in Canadian provinces have achieved improvements in seatbelt use, resulting in high rate of use. While the programmes differ across provinces in their

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details, their basic elements are broadly similar and include:

- An information briefing, educating police forces about the issue and its importance.
- Following this campaign, a period of one to four weeks of intensive enforcement by the police, including fines, repeated several times a year.
- Extensive public information and advertising.
- Support for the enforcement campaigns in the media and regular feedback in the media to public and police on the progress reported.

All this information, Comrade Speaker, has been disseminated to all drivers and all road users and they are all well aware of this information. Therefore, we are talking about the loss of lives of people. The statistics show that we need to take more action apart from stopping drivers and giving them small fines. We need to think about something which would reduce the risk to an acceptable level and there is no other way than increasing the fines and not only to the taxi drivers but to all. As our President already mentioned, we want to bring down the level of risk in our cities and towns and national roads to an acceptable level. I thank you.

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**HON SPEAKER:** I thank Honourable Amweelo. Honourable Minister of Justice.

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**HON MINISTER OF JUSTICE:** Thank you, Comrade Speaker, Honourable Members, I am sorry that the mover of the motion is not here to listen to all these wise suggestions from the Honourable Members, but I hope he will get the records.

I take the floor to make a contribution to the motion tabled by Honourable Philemon Moongo on Tuesday, 2<sup>nd</sup> of March 2011 concerning the stiffer fines which were recently introduced in respect of various traffic violations and offences.

The introduction of increased fines for traffic violations came as a consequence of the amendment to the Criminal Procedure Act of 1977 which was passed by this august House last year.

The purpose of that amendment was, among other matters, to increase the maximum admission of guilt fines from N\$300 to N\$6 000, which may be paid in terms of a written notice or summons.

Section 56 of that Act provides for the service of a written notice to an accused person that he or she may admit his or her guilt in respect of the offence in question and then pay the fine without appearing in court or the accused can opt to appear in court and defend him or herself.

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Honourable Speaker, laws are enacted for the purpose to address certain mischief or the prevailing pressing problem in society. In the particular circumstance, Parliament enacted the Criminal Procedure Amendment Act (Act No. 13 of 2010) after a spate of road accidents which claimed several lives, injured and disabled thousands and destroyed properties and almost ruined the coffers of the Motor Vehicle Accident Fund.

Comrade Speaker, if I were to let this House know how much in terms of money and in terms of human lives we have lost, we would probably appreciate the intentions behind the introduction of that amendment.

Comrade Speaker, the information that I have here from the Motor Vehicle Accident Fund, covering a period from 2007 to last year, shows the statistics in terms of human loss, in terms of disability and in terms of properties lost. Here are the figures.

A funeral grant is money paid for the purpose of burying a victim of a car accident. Total claims registered and paid – 2 119 bodies were buried as a result of car accidents. The amount paid just for that exercise alone is N\$18 759 694,28.

General damages or injury grant: Total claims registered and paid, people who were disabled, injured beyond repair – 8 435. In terms of money paid, N\$109 124 070,37.

Loss of support to either the wife, the husband, the children whom MVA should support: Total claims received and paid – 4 419. Amount paid, N\$68 436 584,01.

Hospital expenses: Total claims received and paid – 33. Amount paid, N\$545 275,79.

Medical expenses: Total claims received and paid – 1 796. Amount paid, N\$25 978 365,72.

Overall total claims received and paid, 16 802; overall total amount paid, N\$222 843 990,17.

These figures, Comrade Speaker, speak louder than the crocodile tears we are trying to cry in this House. The situation is very serious.

Honourable Speaker, I was addressing the mischief why this Parliament had to amend the law. The reason behind that is the figures I have just announced. The second reason for the amendment was also to reduce the number of persons appearing in court on minor offences by encouraging the disposal of many of these cases through the payment of admission of guilt fines without having to appear in court. In this way the workload of the Courts would have been reduced drastically.

Honourable Members, you may very well recall how overburdened our court rolls have become. The same Honourable Moongo had on many occasions raised questions related

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to cases pending in court for an extended period of time without finality.

Honourable Speaker, the determination of the amount payable as an admission of guilt fine is done by the District Magistrate of each district. The law, as it stands, does not delegate this function to other stakeholders, such as the taxi industry or other representatives of the general driving public as road users or the Motor Vehicle Accident Fund or even the Road Safety Council who are all concerned about road safety. This responsibility is entire consistent with the role of the magistrate as the officer who is charged with the discretion to determine the appropriate punishment for an offence in our judicial system.

While other stakeholders may provide inputs to help the magistrate to determine an appropriate fine in a given case of offence, his or her responsibility as the arbiter of justice cannot be substituted. The other reason why the magistrate is the person to determine the fine is that the fine is being paid in lieu of appearing in court. If the accused does not pay the admission of guilt, h/she will have to appear in court. It is, therefore, right that the magistrate determines the fine which a peace officer will, in effect, impose on behalf of the magistrate.

What the Legislature can do and has done in the current amendment is to determine the maximum fine which may be imposed. This limit was previously N\$300 and has now been increased to N\$6 000.

Honourable Speaker, while I grant the Honourable Member his right to question the specific fines determined by the magistrates within the limit set by Parliament, I take serious issue with the premise of his argument. In this regard, I take note that:

- The Honourable Member suggests that the fines are designed to cripple the Taxi Industry in favour of promoting municipal bus services.
- That the Government has failed to provide employment to the persons who currently make a living from the taxi industry.
- That the fines are designed to enrich the economically powerful.

What the Honourable Moongo needs to know is the following: The promulgated fines are not targeted at the Taxi Industry. This must be understood by all of us: this is not targeted to the taxi industry alone, they are of general application to all road users. Statistics indicate that a number of ordinary road users have already been fined in respect of their transgressions.

The issue of the fines being unaffordable is a red herring. My Ministry has statistics to show that a number of drivers have in the past been fined several times at the previous maximum rate of N\$300, but have had no difficulties paying them and continue to repeat



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the same offences. Honourable Member, *in absentia*, Government needs to encourage good behaviour on the roads and the fines in place at the time did not encourage such behaviour. Offenders violated the laws with impunity because the fines were ridiculously low. The Government, therefore, resolved that in addition to the ongoing education of the driving public, which has been done through a number of initiatives such as "*Xupifa emwenyo*" by the Road Safety Council, the Motor Vehicle Accident Fund and the Traffic Police Department, and to which I may add, the Head of State had also lent support and authority, it was necessary to raise the cost of offending by reviewing the maximum fines payable upon offending.

The provision of stiffer fines is not a revenue collection exercise by Government or the relevant local authorities, not by any stretch of imagination. The suggestion that the fines suit the officers "*to earn high salaries*" is entirely misplaced and shows a complete misunderstanding of the concept of fines. Fines are not levies or fees which are clear and predictable ways of raising money. A system of revenue collection which depends on the incidence of commission of offences cannot be relied upon to raise money for any purpose, Honourable Moongo. Government does not budget to raise funds from payment of fines you heard from the Honourable Minister of Finance when she tabled the budget recently. There was no line, there was no suggestion that so much money will be raised from fines, nothing of the sort. If people do not commit offences, no income accrues to the Government. Fines, unlike fees and levies, are not compulsory payments on which collecting authorities can plan the usage thereof. Government would be happy if there is a nil return on traffic violations as it will have achieved 100 percent observance of traffic laws. This is what we desire and wish to achieve with the increased fines by making violations costly, just like buying tobacco or whisky, while upping public awareness on good behaviour on the roads.

Mr Speaker, the suggestion that the fines should be reviewed and agreed upon by all stakeholders in the transport industry again reveals the Honourable Member's misconception that the fines are targeted to the transport industry.

I also wish to point out that the purpose of the amendment is not to enrich anyone. In fact, it has no economic purpose, it only has a deterrent purpose. It is there to protect lives and enhance safety on our roads. There is no justification for anyone to put the lives of others at risk merely "*to earn quick money*", in the words of the Honourable Member Moongo. People must make money at the expense of others' lives! Is that logical, Honourable Kaura? Is that logical? Really! It is worrying to find that the Honourable Member thinks that it is somehow acceptable to put lives at risk if that would maximise income. Shame!

Honourable Members, through its awareness campaigns on road safety the Government sought to promote the idea of responsible citizenship and adherence to the law by encouraging respect for traffic rules. Despite its road safety campaigns, some road users continue to disregard road traffic rules and put the lives of other road users in danger.

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The introduction of stiffer fines is part of Government's integrated approach to road safety, which combines education and measures which raise the cost of violations so that good behavioural change can be brought about and in actual fact, this is about to be reached if statistics in my possession are anything to go by.

Honourable Speaker, I have sought to hear from those responsible for our roads whether these measures are bringing about any improvements. I am not going to bore you with all this information that I got, but I will just read to you the findings. From 1<sup>st</sup> of January 2010 to the 28<sup>th</sup> of February 2010 traffic offences recorded were 18 420. Then, after the introduction of the stiffer fines, from 1<sup>st</sup> January 2011 to 28 February 2011, the cases recorded were 4 843. Can you see the difference?

The Honourable Member argues that the fine list cannot be used in all magistrates' districts because some are very poor while others are rich. I wish to inform the Honourable Member that the new fine list was adopted with the inputs and consent of all district magistrates who had conveyed their consent to the proposals during one of the magistrates' meetings in Swakopmund.

Following the recent protest by taxi drivers, the Government instituted a committee of officials from the Ministries of Justice (as Convener), Safety and Security, Regional and Local Government and Works and Transport to examine effective measures to respond to the complaints. The committee was tasked to provide information to the general public about the background to the adoption of the increased fines, to explain the purpose and how drivers can cooperate in the implementation of the new law. The work of the committee resulted in a recent advertisement in the newspapers to inform the public of the new measures. I urge the Honourable Member to read the advertisement again, very carefully this time around.

The new measures are not intended to kill the Taxi Industry, not at all. We value the contribution of the taxi industry not only to ensure that public transport is available, but also to lessen the burden of unemployment.

It is a welcome self-employment initiative which Government applauds. If the member is concerned about the future of the Industry, I urge him to consider the financial and human cost of road accidents to the resources of the public. The measures implemented are also intended to reduce the burden of accidents on our health services and claims against the Motor Vehicle Accident Fund. Statistics from the Motor Vehicle Accident Fund illustrate the huge costs of claims on the Fund as a result of accidents, many of which were clearly avoidable.

Honourable Speaker, the Honourable Member proposes that I bring back the law for amendment so that the fines can be reviewed. That request, Comrade Speaker, is unreasonable, in my view. Parliament adopted the amendment at the end of 2010. It was

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decided that the Legislature could only raise the maximum fine payable. The Honourable Member had ample opportunity to put his proposals, which he did not do – tough luck. I must also point out that the amendment does not compel citizens to pay the fines imposed, there is ample provision in the law to make representations for a possible reduction, which the presiding officer in court may grant on good cause shown.

I urge the Honourable Member as a responsible citizen, a lawmaker and a Traditional Leader and the transport industry to fully appreciate Government's intention with the new fines and to encourage, more particularly, the taxi industry whose case Honourable Moongo is championing, to simply avoid being fined through embracing good citizenship behaviour on our roads, as they have started doing already, as the figures above indicate.

I further urge this House to take the courage of its conviction in siding with those in favour of "*Xupifa Eemwenyo*" "*Save Lives*" initiatives of the Motor Vehicle Accident Fund than to support this expedient and politically motivated motion of the Honourable Member. Comrade Speaker, I have rested my case.

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**HON SPEAKER:** That is a good example of why I commend the Ministers who take time to prepare themselves to respond to queries put to them by the Opposition. I commend you, Minister, for what you have done. Honourable Katali.

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**HON MINISTER OF MINES AND ENERGY:** Thank you, Honourable Speaker, Honourable Members. I also rise to add my voice to this very important issue of our people, the taxi drivers and their clients, the passengers.

Comrade Speaker, I think we will make a very big mistake if we discuss this issue in general without separating it from some of the underlying concerns of the taxi drivers. On the one hand we have the fines, but on the other we have the causes of these fines. Some, if not the majority of the taxi drivers, are not really concerned about the fines, *per se*, but they are concerned about what causes these fines. I can give one or two examples to substantiate my statement on the fines versus the cause.

Honourable Speaker, there are some elements of human nature that cannot be changed no matter how heavy the punishment. In the olden days if a girl of a certain culture became pregnant before some processes have been undertaken, the punishment was capital punishment. That was thought to be a very strong deterrent, but what happened? People just continued to become pregnant before the traditional processes have been complied with. (Intervention)

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**HON MINISTER OF GENDER EQUALITY AND CHILD WELFARE:** We should not just say that people continue getting pregnant, we should say people continue getting pregnant and being impregnated.

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**HON MINISTER OF MINES AND ENERGY:** The point is taken, I take it for granted that a girl who becomes pregnant has been impregnated by a male.

Because people continued to die, people became sympathetic and one can even call it a form of corruption which crept in. Once the family realised that their daughter is pregnant, they would connive with relatives who live somewhere else and that girl is taken away during the night to avoid the girl getting that capital punishment. That indicates that people were concentrating too much on the results, because they were not concentrating on boys and girls not meeting. Only when it so happened that there is a pregnancy did they take action and they did not concentrate on the possible measures to prevent that pregnancy. If that had been done, the result would not have been there.

Coming back to the taxi drivers and their clients, not many are really against the heavy fines that we are talking about. The fine is a result, but they are actually concerned about the cause and they are not unhappy with all the causes because they agree that if you are speeding, you must be fined. I just want to bring the other side of the coin, because we are concentrating on only one side, so just bear with me.

Honourable Speaker, they are not just concerned with speeding because speeding can be prevented. (Intervention)

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**RT HON PRIME MINISTER:** On a Point of Order. I hope that the Honourable Minister listened very carefully to the statement by the Honourable Minister of Justice. She said in her statement that there is a committee of stakeholders which is considering all the issues which might lead to some of the offences. Why do we not wait for that committee to produce its report, then we can discuss some of these things?

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**HON MINISTER OF MINES AND ENERGY:** Yes, Honourable Speaker, now I am put in a dilemma. The Motion is on the floor of the House, I stood up to point out some of the things that I feel the committee could probably also consider. That is the purpose.

I concede, Comrade Speaker, that our roads are not friendly to the taxi operators and to the people who are using them. If you take a taxi from Katutura Hospital to Donkerhoek, for example, where will you get off if you are living at Ovambo 10 or if you are living at Shandumbala. Unless to turn off after Ovambo 10, that is the only place where you have offloading and loading place which have previously been used by the buses.

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Imagine that if you are going to Donkerhoek, there is no place where the taxi can stop to take you on or let you off. That is a weakness that most of the taxi drivers are complaining about.

We compare ourselves with some other countries, but if you go to Johannesburg, for example, they have separate lanes on the side for public transport. They can stop anywhere and it will not interfere with the flow of the general traffic. That is the thrust of my statement, that we must really try to understand the complaints of the taxi drivers. If there are no places where they can stop, we are basically saying that they must not stop to load or offload passengers and we are telling our people who are using these taxis that they must walk long distances to those points to get a taxi. I thought the purpose of taxis was for people to be taken near their homes and brought back there. I think that committee should seriously look at this issue. (Intervention)

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**HON DEPUTY MINISTER OF YOUTH, NATIONAL SERVICE AND CULTURE:**

The Minister has started off with the girls becoming pregnant in the olden days and I am trying to figure out the logical link between the pregnant girls of the olden days and the heavy traffic fines. It is true what the Minister is saying that there are no taxi ranks, but I trying to find the logical link.

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**HON MINISTER OF MINES AND ENERGY:** The logical link is just that if there are no facilities the taxi drivers will continue to break the law. (Intervention)

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**HON MINISTER OF FOREIGN AFFAIRS:** Comrade Katali, I just want to find out because most of us have grown up in Katutura and I know the roads in Katutura. Is it really possible to say that there are no taxi ranks in Katutura? It is not practically possible, but the most important thing is for the taxi drivers to indicate in time that they are going to stop to offload a passenger. They are stopping abruptly in the middle of the road and this is the major cause of accidents in Katutura and turning without indicating. Those are the most serious concerns we have with the taxi drivers. If only our taxi drivers could be disciplined and indicate in advance that they are going to turn or offload a passenger. The problem is that they are undisciplined and impatient and do not obey the road traffic rules and regulations.

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**HON MINISTER OF MINES AND ENERGY:** I think we must listen to one another very carefully. I said we must separate issues and here I am addressing a specific issue and Comrade Utoni, I told you where the taxi ranks are. Honestly speaking, if you go to your old house where you used to live, there are no taxi ranks and there are pavements. The taxi ranks are not enough. (Intervention)

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**HON MINISTER OF SAFETY AND SECURITY:** May I ask my Colleague a question? We have listened to the Minister of Justice when she gave us figures and facts in terms of loss of lives, disability and financial implications. Honourable Katali, are you sure that the majority of these fines are imposed on the taxis in Katutura and not somewhere else?

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**HON MINISTER OF MINES AND ENERGY:** Let us look at what I am addressing, I am not addressing the general fines and I have limited myself to the problem that we are all aware of. The fines in general are in order, we have to prevent accidents, but I am specifically addressing the problem of offloading passengers. As regards speeding and others, I agree with the law, but the City of Windhoek is not doing enough for the passengers to get on or off taxis at appropriate places. That is the only issue I am addressing, not the general fines and I thought I have explained that as from the beginning. (Intervention)

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**HON KAURA:** May I ask the Honourable Member a question? Honourable Minister, are you aware of the fact that these laws which are confronting the taxi drivers are leftovers from the colonial time and we continue to implement those laws even after Independence?

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**HON MINISTER OF MINES AND ENERGY:** No, the law is not a problem.

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**HON SPEAKER:** Honourable Minister, you may continue tomorrow.

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