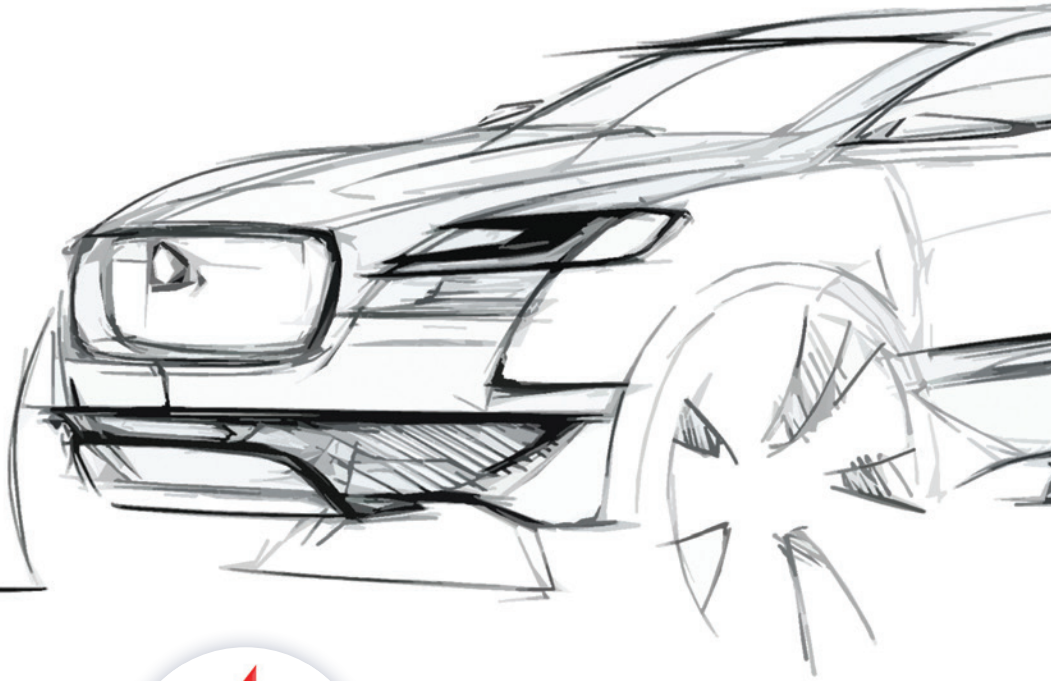


ISSUE 3 • VOLUME 8 • AUGUST 2017

# UPDATE

NEWSLETTER OF THE MOTOR INDUSTRY OMBUDSMAN OF SOUTH AFRICA



MOTOR INDUSTRY OMBUDSMAN  
OF SOUTH AFRICA

TOGETHER WE GROW



# NEW VEHICLE SALES AND EXPORTS – JULY 2017

## 316,386

vehicles sold in the first seven months of 2017



That's **0.3%** less than the 317,234 vehicles sold in the first seven months of 2016

## 46,719

New vehicles sold in South Africa July 2017

## 1,387

more than June 2017

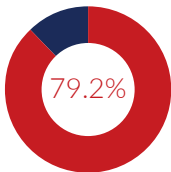
## 1,849

more than July 2016

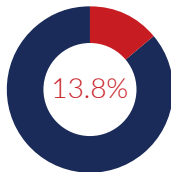
## 30,826

The number of passenger vehicles sold in July 2017, up by 1,791 units or 6.2% on 29,035 vehicles sold in July 2016

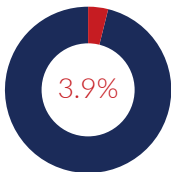
## SALES PER INDUSTRY



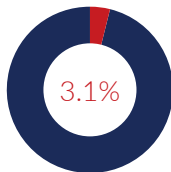
Dealer



Rental Industry



Government



Corporate

## TOP 5 SELLERS



1. Toyota - **10,137**
2. VW - **7,386**
3. Ford - **5,561**
4. Nissan - **4,917**
5. Hyundai - **3,035**

Passenger vehicle sales accounted for 66% of car sales in July 2017

Commercial vehicle sales in July 2017, 0.4% higher than July 2016 and 4.8% lower than June 2017



Light commercial vehicle sales in July 2017 were up by 1.7% from July 2016 but down by 3.8% in June 2017

## TOP 5 EXPORTS



1. Mercedes-Benz - **11,964**
2. VW - **7,466**
3. Ford - **6,463**
4. BMW - **4,911**
5. Toyota - **3,914**

## 35,486

vehicles were exported in July 2017

## 22.2%

higher from July 2016

## 12.3%

higher than June 2017

Supplied by Absa, Member of Barclays

Source: Naamsa



## Driven by Mobility

What drives you, drives us

Bosch technologies are used worldwide in almost all vehicles. People, and assuring their mobility, is what we are focused on. We continue to work on our unique combination of solutions for spare parts, diagnostic devices, workshop equipment and services.

**BOSCH**  
Invented for life

## MESSAGE FROM THE OMBUDSMAN

### THE QUEENSBURY RULES

In Norman Nel's bestseller *Would you please say a few words*, one insert can serve as an example to everyone involved in the motor industry. It is the one about the Queensbury rules for professional boxing. Even though established in 1867, it entrenched a respectability to boxing as a sport. This moral code was accepted internationally and stipulated amongst other things that a boxer should wear gloves, a round should not last more than three minutes and punching below the belt was prohibited.

The most amazing thing is that through the passage of time the rules and morals have survived. For many years, business was conducted by a set of unwritten rules, very often cemented by a simple handshake. "*That gut feeling, when you could smell a deal a mile away, see an opportunity sticking out, taste the regard of perseverance and hear the applause for a job well done*", to quote Norman Nel. The rules were adhered to by everyone, the moral fibre was strengthened and passed on to younger generations, with your conscience as the referee. Like Norman says: "There is no softer pillow than a clear conscience".

Today we are confronted by bribery and corruption that raises the stench of

Johan van Vreden  
Motor Industry  
Ombudsman of  
South Africa



injustice. It seems as this has permeated our industry to the extent that the "*rules of Africa are as harsh as the jungle has ever been.*" But having said this, after we have opened our ears to the calls of reconciliation and the dust has settled, we will realise that we were all placed in this ancient continent for a purpose. We as an industry must establish and renew our code of ethical conduct, and set new rules. This will set the South African industry apart from the rest of the world. We must again develop pride and a feeling of belonging that will transcend all prejudice. We must once more become good South Africans. ●



### Driven by PRECISION

What drives you, drives us

Bosch is your one-stop shop for everything from straightforward troubleshooting and suitable equipment to repair work for current diesel vehicles, systems and components.

## FROM THE DESK OF KOBIE KRAUSE

### WHAT IS A CONSUMER?

In terms of section 1 of the Consumer Protection Act (CPA) it appears that the ordinary meaning of the word consumer has been extended to include various meanings.

Firstly, it must be determined whether the transaction the consumer entered into with the supplier is exempted in terms of the CPA. In this regard, it is worthwhile to note that as far as the automotive industry is concerned, nothing has been exempted by the minister of the Department of Trade and Industry.

Secondly, if the context so requires or permits, a user of those particular goods or a recipient or beneficiary is now considered a consumer. The CPA further states that services are also included. It is further important to note that it is irrespective whether the user, beneficiary or recipient was a party to the transaction or not of the goods or services. It would therefore be advisable for a supplier of goods or services to always establish in what capacity the consumer presents himself/herself to avoid confusion and maybe create an unnecessary conflict. This section also refers to "if the context so requires or permits". It is clear that one will have to identify the context in each case. The following might indicate what is meant by these words:



Kobie Krause  
Deputy Ombudsman

If an owner lends his vehicle to a friend for a day he would not qualify as a user. It is my humble submission that a more permanent situation would suffice, for instance the father would allow his son to use the vehicle to attend university.

The word recipient is self-explanatory, meaning the goods were given to the consumer, maybe as a gift or in lieu of a payment in respect of a debt.

Thirdly, a franchisee in terms of a franchise agreement in terms of section 5(6)(b) to (e) of the CPA. This will form part of a further discussion at a later stage.

In conclusion, the above confirms that the word consumer now has a much wider meaning and should be applied whenever it appears in a section of the CPA. ●

## A CASE IN POINT

### COMPLAINT

A consumer purchased a motorhome from a dealer. The motorhome had a problem with the turbo and leaking cab. The consumer subsequently discovered

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What drives you, drives us

Ongoing research and development ensures our products delivery beyond expectations used across the globe in various applications.



that the floor panels were rotten. The consumer spent R22 765 to repair the floor panels.

The dealer informed the consumer that the motorhome was sold without any liability for repairs after delivery and he therefore did not accept any liability for the repairs.

### CONCLUSION

The MIOSA found that the vehicle in question did not meet the requirements stated in section 55(2) of the Consumer Protection Act (CPA) and ruled in terms of Section 56 (2) of the CPA and requested the dealer to repair the motorhome. As the motorhome had already been repaired, the dealer requested the invoice and agreed to refund the cost for the repairs.

### COMPLAINT

A consumer booked his hedge trimmer in for a service and repairs. Upon collection, the machine was still found to be faulty and he returned it to the dealer who rectified the fault. Approximately a month later the fault reoccurred. The dealer suggested that the machine be returned for repairs at no cost. The consumer insisted that the hedge trimmer be replaced.

### CONCLUSION

The MIOSA found that in terms of section 57 subsection 1 of the Consumer Protection Act 68 of 2008 (CPA) an implied three-month warranty is provided

for all repair or maintenance work and the labour required. The MIOSA was of the opinion that the consumer had acted in line with the above-mentioned section of the CPA by reporting the faults. He also showed willingness to give the dealer a chance to apply corrective measures. The MIOSA found that the dealer must carry out the repairs at no cost to the consumer.

### COMPLAINT

A consumer took his boat to a service provider for an engine service and check over. This was done and the boat was returned to the consumer. A short while later the boat was returned to the service provider and it was found that certain internal components had failed. These were replaced. The engine was tested and returned to the consumer. After about eight months the boat was once again returned to the service provider because of engine problems. It was then established that the engine had been subjected to severe heat. An assessment revealed that the water intake pipes were blocked with water weed, thus causing the engine to fail.

### CONCLUSION

The complaint was referred to the office of the MIOSA for assessment and it was found that an outside influence caused the engine to fail and therefore could not rule that the service provider was liable for the repairs. ●

## Driven by TECHNOLOGY

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We provide a full compliment of diagnostics technology from around-the-engine to around-the-wheel ensuring your workshop delivers accurate technical service.

## EXTRACTS: THE MIOSA 2016 ANNUAL REPORT

I would like to see the hand of the ombudsman of the Motor Industry Ombudsman of South Africa (MIOSA) strengthened in the execution of his duties. Although he enjoys the support of the motor industry in general, there are still a few organisations that are damaging their own reputations in no small way. By resisting the call to support the ombudsman of the motor industry they are not only breaking the law, but run the risk of losing the faith of the public of South Africa.

Dr. Mathews Phosa Chairperson

It is through focus and determination that the MIOSA continued its custodianship of the South African automotive code of conduct. Indeed, with the economic downturn came numerous challenges that the management and staff of the MIOSA had to face on a daily basis.

Johan van Vreden Ombudsman

The good relationship between the MIOSA, the National Consumer Commission (NCC) and the National Consumer Tribunal (NCT) continued and it provided great comfort to notice that the efforts of the MIOSA were supported and appreciated by these important institutions.

The importance of completing these goals cannot be overemphasised as the number of contacts made and the complaints registered with the MIOSA are increasing on a daily basis.

The continuous training and development of MIOSA staff remains a priority to improve the quality of the service provided.

The registration fee for 2017 has been lowered by 10 percent across the board. This will undoubtedly result in even higher registration volumes in future, to the benefit of all concerned.

The MIOSA is adamant in its threat to publicise findings and businesses that fail to comply with the recommendations made by the MIOSA.

The case management department has made continuous learning a way of life and has embarked on technical and regulatory training that ran throughout 2016. This has yielded good results in terms of an increase in production and upskilling.

The year under review was a period of great change and development in the systems and administration department at the office of the MIOSA.



### Driven by SOLUTIONS

What drives you, drives us

The web-based diagnostics software supports you through active troubleshooting during repair and maintenance.

# MIOSA ACTIVITIES

The Consumer Protection Forum (CPF) is comprised of all the provincial consumer protection offices and the regulators across the country. It has three committees namely: Policy and strategy; education and awareness; compliance and enforcement. The MIOSA recently hosted the compliance

and enforcement committee for a three day conference. Those present had the opportunity to meet with the ombudsman, Johan van Vreden, deputy ombudsman, Kobie Krause and the departmental managers. They also had the opportunity to view the operations of the MIOSA.



**Above, from left to right.** Ombudsman Johan van Vreden, Lucious Bodibe, manager of public affairs with Vredem, Gauteng public protector and Reuben Sedibane, deputy director proactive investigations Gauteng consumer affairs. **Below.** Members of the compliance committee and, on the far right, Theresa Maree, MIOSA paralegal.



**Above, from left to right.** Lucious Bodibe, Reeva Wellman, Gauteng public protector and Reuben Sedibane, deputy director proactive investigations Gauteng consumer affairs. **Below.** Members of the compliance committee and, on the far right, Theresa Maree, MIOSA paralegal.



## Driven by QUALITY

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One of the world's largest supplier of automotive components and replacement parts, manufacturer of choice with leading vehicle manufacturers.



## PEOPLE, PUNS AND PRODUCTS

### A SPECIAL ASTON MARTIN

The DBR1 is called the most important Aston Martin ever produced. Only five were built. With these cars Aston Martin won the 24-hour race at Le Mans and the World Sports Car Championship in 1959. One will go on auction soon. The expected price? R260 million.



### MOST POWERFUL 911

The all-new Porsche 911 GT2 RS is the fastest, most powerful, street-legal 911 of all time. With no less than 522 kW on the rear wheels, a race-derived chassis, lightweight aerodynamics, it is the new king of the 911 world.



### FOR THE BIKER

The Zona rear-view kit is designed to make life easier and safer for motorcyclists. It consists of a digital camera mounted at the rear of the bike. A wireless receiver mounted on the back of the rider's helmet and a display unit mounted in the helmet. Voila. Now the rider can see clearly what is happening behind him or her.



### BRAIN TEASER

Name the car. How many were built? In what year?



Alfa Romeo 33 Stradale. Only 18 were built from 1967 to 1969.

### WHAT NEXT?

There you have it, an all-electric bakkie. The Canadian-based Havelaar company is planning on building its so-called Bison in



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Bosch brings together vehicle technology, the data cloud, and services to offer complete mobility solutions for the individual or fleet partner.





large volumes. The fully electric Bison has two motors, one between the front wheels and one at the rear, offering 4x4.



### NEW FROM DUCATI

Ducati is calling this concept the Scrambler Café Racer. It offers a futuristic yet funky look, slim tank and a single seat. No specifications as yet.



### A JAGUAR WAGON

This is the latest from Jaguar – the XF Sportbrake – powered by a supercharged V6. Top speed is electronically limited to 195 km/h.



### NEW BEEMER

The BMW 8-series was discontinued in 1999. However, the company will relaunch the 8 sometime next year. Expect a wide range of engine options with the top-of-the-line model powered by a twin-turbo, V12 engine.



### YET ANOTHER OLDIE FOR SALE

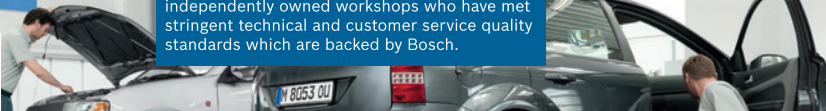
This Ferrari 275 GTB/4 was first seen at the Paris Motor Show in 1966. This car will go under the hammer soon. Estimated worth? R34 million.



#### Driven by PARTNERSHIP

What drives you, drives us

Bosch Service partners are one of the very best independently owned workshops who have met stringent technical and customer service quality standards which are backed by Bosch.



## FOOD FOR THOUGHT

Henry Ford, the father of the Ford Motor Company, was undoubtedly one of the greatest industrialists that ever lived. He was also a thinking man. A philosopher. Here are some of his famous quotes that we, as participants in the motor industry, can take to heart.

Quality means doing it right when no-one is looking.

If you think you can do a thing or think you can't do a thing, you're right.

You can't build a reputation on what you are going to do.

Coming together is a beginning, keeping together is progress, working together is success.

Obstacles are those frightful things you see when you take your eyes off the goal.

If everyone is moving forward together, then success takes care of itself.

Don't find fault, find a remedy.

It is not the employer who pays the wages. Employers only handle the money. It is the customer that pays the wages.

## THE O&A APPROACH

Much has been said and written on the subject of road safety. And, what's more, it seems that everyone is an expert on the subject. Some of the solutions are: get rid of all the vehicles that aren't roadworthy; ban all taxis; fill up the potholes on our roads or lower the speed limit.

Some are commendable suggestions. Yet, we all know it aint gonna happen.

So what is the solution? Elementary my dear Watson. Comply with the O&A approach at all times.

The O stands for observation at all times when driving or riding. Observe what is going on ahead of you and keep a safe distance. Observe what is going on behind you and observe what is going on to your left and right. Then you won't hear the oft-used cliché: "But I didn't see him."

The A stands for attitude. Your attitude towards your fellow road user.

Remember, we all make mistakes. So don't begrudge your fellow road user when he or she makes a mistake.

Travel safely.

### Driven by KNOW-HOW

#### What drives you, drives us

The Bosch Service network is backed by Bosch supported with a full portfolio of services such as technical training, support and information database ensuring customer satisfaction.



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# SARTSMA

## SOUTH AFRICAN ROAD TRAFFIC SAFETY MANAGEMENT ASSOCIATION

### GUIDELINES FOR RETRO-REFLECTIVE SHEETING

Compliant road traffic signs are vital for road safety. SARTSMA therefore prepared guidelines to ensure that a specific product complies with all the requirements of the relevant South African National Standard, as well as performing well for its intended life span.

The current standard, relevant to the manufacture and appearance of road traffic signs in South Africa, is SANS 1519-2:2004 “Performance Requirements for Road Signs” and incorporates SANS 1519-1:2013 “Retro-reflective Sheeting Material”.

The face of a road traffic sign is covered with retro-reflective sheeting, which is a durable and flexible plastic material. The retro-reflectivity is achieved either by incorporating glass beads into the material, or by moulding tiny prisms into the plastic, and is therefore known as glass bead or micro-prismatic sheeting.

It is important to mention that the retro-reflective performance properties of the sheeting is most important and not just the underlying technology. Aforementioned specification therefore also references the different reflective sheeting performance classes, to ensure that road traffic signs are manufactured accordingly to provide adequate night-time performance. (See table below).

Retro-reflective sheeting for road traffic signs is required, as referenced in regulation 286A (8) of the National Road Traffic Act No. 93 of 1996 Regulations 2000, to bear a watermark to identify the material class and manufacturer.

The SARTSMA identification guidelines for retro-reflective sheeting made with either glass beads or micro-prisms can be downloaded at <http://www.sartsma.co.za/wdocs.php>.

**CONTACT DETAILS:**

Cell: 082 322 5208 Fax: 086 684 1304  
Email: [info@sartsma.co.za](mailto:info@sartsma.co.za)

**Below:** A recommended guideline for selecting the appropriate class of reflective sheeting.

RETRO-REFLECTIVE PERFORMANCE	DURABILITY	CLASS
Locations where high-performance reflective materials are required	12 years	Class 4a or 4b
Locations where medium performance reflective materials are required	10 years	Class 3
Locations where lower performance reflective materials are required	7 years	Class 1



**Driven by PASSION**

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## INTRODUCING A CASE MANAGER



Kevin Brandt  
Case manager

Kevin Brandt was born in Pretoria and grew up in Bredasdorp on the Southern tip of the country. After he matriculated, he joined the Western Province rugby academy in Stellenbosch. Proving his worth as a loose head prop he joined the Stade Aurillac rugby club in Aurillac, France, where he played during the 2010/2011 season.

Kevin joined the MIOSA in 2015 as a member of the information and liaison office and was appointed as case manager a year later. He is currently studying law through UNISA.

In his free time Kevin spends his time either on the golf course or in the gym.

What are his favourite TV channels? "I love to watch sport, any sport," explains Kevin.

Any interest in motor sport? "I love watching F1 and MotoGP," says Kevin.

His hobby is food. Not just enjoying a good meal, but preparing it himself. ●

## NEW REGISTRATIONS

MAY 2017 TO JULY 2017

The total number of registrations recorded in May 2017 was on par with the average for the first quarter of 2017. Registration by used vehicle dealerships outshone all the other sectors within the automotive industry with its best showing of the year representing 37 percent of the total. As has become the norm over many months, registration of mechanical workshops slotted into second place with 18 percent of the total. Fitment centres and panelshops ended the month in third and fourth place respectively.

In June 2017 registrations were characterised by an unbelievable showing by the used vehicle dealer sector and the mechanical workshop sector. The race ending in a dead heat at 32 percent each of the total number of registrations. The only other sector that made a noticeable showing was the fitment centres.

Despite the school holidays in July 2017, registrations reached one of the highest totals of the year with an 18 percent increase above the average. The used vehicle dealer sector took first place again. Mechanical workshops ended in the second place again representing 27 percent of the total. ●

The views expressed by contributors are not necessarily those of the MIOSA.



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