



HAPPY HOLIDAYS  
FROM ALL OF US AT  
THE MIOSA



# UPDATE

NEWSLETTER OF THE MOTOR INDUSTRY  
OMBUDSMAN OF SOUTH AFRICA

ISSUE 3 VOLUME 6 NOVEMBER 2015



**JOHAN VAN VREDEN**  
Motor Industry Ombudsman  
of South Africa



## MESSAGE FROM THE OMBUDSMAN

What is an ombudsman? The concept of an ombudsman may have started in China about 220 BC. In those days an undercover official appointed by the king was sent to local provinces to monitor government officials and look after the populace while travelling incognito.

An indigenous Swedish, Danish and Norwegian term "ombudsman" essentially meant a representative who was authorised to act for someone else.

In the 1700s Swedish King Charles X11, who was then in exile, needed a representative in Sweden to ensure that judges and civil servants acted in accordance with the laws and with their duties. If they did not do so, the ombudsman had the right to prosecute them for negligence.

In years gone by the definition of an ombudsman changed somewhat: A person usually appointed by government or by parliament, but with a significant degree of independence, who was charged with representing the interests of the public by investigating and addressing complaints of maladministration or a violation of rights. The typical duties of an ombudsman were to investigate complaints and attempt to resolve them, usually through recommendations or mediation.

A more up-to-date definition is as follows: An ombudsman assists with the fair and expeditious resolution of complaints in an impartial, confidential and independent manner. Services are free of

charge and the ombudsman is not a representative of the person raising the complaint or the organisation being complained about.

In the case of the Motor Industry Ombudsman of South Africa (MIOSA) this office, which has been in existence for 14 years, was accredited by the Department of Trade and Industry (DTI) as the only recognised ombudsman for the motor and related industries, giving this office more meaningful authority.

The South African Automotive Industry Code of Conduct, pertaining to the Consumer Protection Act No. 68 of 2008, stipulates that any business in the motor industry, whether manufacturing vehicles, selling vehicles, spare parts, tyres, shock absorbers or fuel is obliged to register with the MIOSA. This is in the interest of consumers and suppliers alike.

It is of cardinal importance to note that the MIOSA has no say in the day-to-day running of a business. The sole purpose of the office is to adjudicate when a complaint by a consumer or a supplier is lodged.

## MIOSA GET-TOGETHER

To commemorate the accreditation of the MIOSA by the Department of Trade and Industry (DTI), the Ombudsman, Johan van Vreden and his co-directors held a get-together for government officials, institutions, organisations, manufacturers and dealer groups who have played a major role in the achievement. Present were representatives of the DTI, the National Consumer Tribunal, the National Consumer Commission, the Retail Motor Industry, the Independent Dealer Association, representatives of the national and international media as well as the ambassador of one of the largest vehicle supplying countries to South Africa. The function allowed senior staff and guests to interact with one another resulting in a most enjoyable and informative morning.



Jakkie Olivier – RMI, Nico Vermeulen – NAAMSA,  
Johan van Vreden – MIOSA, Gary McGraw – RMI



Kobie Krause – MIOSA, Narain Kuljeeth – NCC,  
Johan van Vreden – MIOSA



Johan van Vreden – MIOSA, Tom Mkhwanazi –  
MIBCO, Kobie Krause – MIOSA



Johan van Vreden – MIOSA, Shigeyuki Hiroki  
– Ambassador of Japan, Dr Giancarlo Coccia –  
International Press



Robbie Starke – IDA, Johan van Vreden – MIOSA,  
Pieter Wessels – IDA



# MIOSA COMPLAINT PROCEDURE

A dispute must be submitted on the official MIOSA Assistance Request Form (ARF) and filed with the office of the MIOSA by either facsimile, email or pre-paid registered post. Once received, the complaint is logged on the system and an email is sent to the consumer reflecting the case reference number, which is to be used in all future correspondence. Should the MIOSA receive an incomplete ARF, the complainant is contacted and requested to complete the document and resubmit it to the MIOSA. The case cannot progress until a completed ARF is received. The complaint will then be forwarded under a covering letter to the other party involved for their comment. The other party has 10 business days to send the MIOSA its comments. On receiving the response, the adjudication process will begin.

If the other party does not respond within the required 10 business days, a reminder is sent, purely as a courtesy gesture. After 2 business days have lapsed, the case is then sent to a case manager for adjudication and finalisation, without the other party's comments.



# ALERTDRIVER

## BE ALERT ON RURAL ROADS

Rural roads can present driving hazards not experienced on highways and city streets. Here are a few tips tackling these not so often encountered roads.

Slow down at all times. The vehicle will take longer to stop on gravel and the likelihood of skidding when turning is much higher.

Keep headlights on to make your vehicle more visible, especially in dusty conditions.

Look for road signs that indicate the presence of any hazards.

When approaching a railroad crossing, slow down, look both ways and be prepared to stop.



Some intersections in rural areas don't have yield or stop signs. Approach intersections with caution at all times.

Always expect slow-moving farm tractors, animal-drawn carts or road maintenance equipment around the next bend. It's better to be safe than sorry.

Look out for animals, especially at sunrise and sunset. Remember, different conditions may demand more diligence.

Eugene Herbert  
The RAC Group

# FROM THE DESK OF KOBIE KRAUSE

## WHY YOU HAVE TO REGISTER WITH THE ACCREDITED OMBUD



KOBIE KRAUSE  
Deputy Ombudsman

On 17 October 2014 the Minister of Trade and Industry, Dr Rob Davies, accredited the Code of Conduct for the Automotive Industry of South Africa in the Government Gazette Vol 529, No. 38107. The accreditation is in terms of section 82 of the Consumer Protection Act NO. 68 of 2008 (CPA).

In terms of the definition of the Code all participants in the automotive industry are obliged to contribute to the budget of the ombud as per section 13 and schedule 5 of the Code.

Section 82 (8) of the CPA clearly states that a supplier must not, in the ordinary course of business, contravene an applicable industry code.

Section 1 of the CPA clearly identifies all parties involved in the supply chain and with this in mind one should be able to realise that when goods are sold or services rendered to vehicles of consumers you are part of the supply chain in terms of the code.

Although the Motor Industry Ombudsman of South Africa (MIOSA) has not yet instituted legal proceedings to recover the contributions from participants in the industry, it must be emphasised that most participants have registered and have paid their dues diligently.

Having become a legal requirement, participants dodging the bullet will find that they are non-compliant and will not be able to obtain certain licences or written authority to conduct some of their business activities. By trying to fall through the cracks some participants will shortly be surprised by legal action being instituted against them and the legal costs involved will far outweigh the more than affordable contribution.

Th MIOSA wishes to express its gratitude to the majority of participants who have registered and wish to congratulate the industry with its attitude towards this endeavour, to not only protect consumers but also to protect themselves



# NEW VEHICLE SALES AND EXPORTS

- OCTOBER 2015

**517,322**

vehicles sold in the first ten months of 2015



That's **4.5%** less than the first ten months of 2014

**54,244**

New vehicles sold in South Africa October 2015

**1,071**

less than September 2015

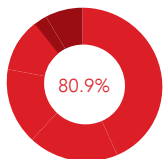
**5,091**

less than October 2014

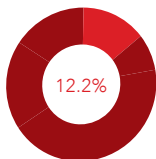
**36,175**

Passenger vehicles sold in October 2015, down by 4.433 units or 10.92% on 40,608 vehicles sold in October 2014

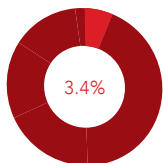
## SALES PER INDUSTRY



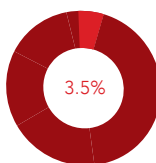
Dealer



Rental Industry



Government



Corporate

## TOP 5 SELLERS



- 1 Toyota - 11,156
- 2 VW - 8,883
- 3 Ford - 6,657
- 4 AMH & AAD - 5,571
- 5 GMSA/Isuzu - 5,301

Passenger vehicle sales accounted for **67%** of car sales in October 2015

Commercial vehicle sales in October 2015 were **3.5%** lower than October 2014 and **0.3%** higher than September 2015



Light commercial vehicle sales in October 2015 were down by **4.1%** from October 2014 and up **0.4%** on September 2015

## TOP 5 EXPORTS



- 1 Mercedes-Benz - 8,472
- 2 BMW - 6,814
- 3 VW - 6,438
- 4 Toyota - 5,571
- 5 Nissan - 5,301

**27,732**

vehicles were exported in October 2015

**13.9%**

less than October 2014

**21.1%**

down from September 2015

# SOUTH AFRICAN NUMBER PLATE ASSOCIATION

## LATEST INDUSTRY NEWS SANA

### ▶ NORTH WEST : NEW SECURITISED NUMBER PLATE PROGRAMME

The North West securitised number plate system was published on 11 August 2015 in Provincial Gazette no: 7515 and the implementation date was 1 November 2015. However, on that date no infrastructure was placed into the market by the appointed authorised service provider and the programme did not kick off, in spite of the law coming into effect. The reason for the North West Department of Community Safety and Transport Management not being able to implement the new system on said date, is due to concerns raised by industry, which include amongst others the following:-

- The appointment of an independent authorised service provider, responsible for securitising the new number plates, will increase costs unnecessarily. Industry is in favour of securitising the blank number plate, but the technology proposed by the authorised service provider will not prevent or limit cloning and is outdated. There is new technology available, at a fraction of the cost, and can be done by the current blank manufacturers;
- The new system has never been demonstrated to industry;
- There are currently no securitised blank number plates available for purchase;
- Embossers need to collect orders themselves and their terms will be strictly COD, whilst carrying the additional costs of the securitised blank number plate at no mark-up;
- The actual cost of the securitised blank is still not available and will only be valid for three months due to currency fluctuations; and
- The retro-reflective sheeting and securitised number plate were to date not tested by SABS for compliance to SANS 1116, as referenced in aforementioned provincial gazette.

Further meetings will take place on 5 and 6 November 2015 and we trust that the outcome will be favourable to all, especially since the North West Department of Community Safety and Transport Management stated that the particular system will be implemented nationally.

### ▶ NUMBER PLATE GRAPHICS AND SABS AUDIT REQUIREMENTS

SABS initiated a process to reinforce controls in the issuing of the SABS mark during July 2015 and partial test reports became redundant. The required full testing procedures included the number plate graphics and resulted in the failure of the majority embossed Eastern Cape number plates, which caused an outcry from the relevant embossers.

A proposal was made to amend the SANS 1116 specifications accordingly and we are currently awaiting comment from the technical committee members, before the voting process is initiated. SABS certification will also raise this issue as an urgent ad hoc item at the IPPP (Inter-Provincial Policy and Procedures) workgroup that will take place at SABS on 11 and 12 November 2015, since it impacts the provinces where number plate graphics are applicable.

### ▶ NUMBER PLATE LEGISLATION AND THE SANS 1116 SPECIFICATION

SANA receives many requests from members of the public for assistance with number plate related traffic fines. In some cases embossers did not adhere to the requirements of the SANS 1116 specifications and the National Road Traffic Act regulations and were thus responsible for paying the traffic fine and replacing the non-compliant number plate. Please take note of the following case studies:-

#### Western Cape number plates, bearing 6 numerals, were embossed without the required dash

The SANS 1116 specification (part 2 and 4) states under sub-clause 4.2.1.2 e) of clause 4.2 Licence Numbers that there must be a dash between the third and fourth numerals:- *"e) in the case of a number plate bearing a single row of characters including six numerals, there shall be a dash of length between 10 mm and 25 mm  $\pm$  2 mm and a width of 10 mm  $\pm$  2 mm between the third and fourth numerals."*

#### Vehicle bearing 250 mm x 165 mm size number plate in the front

Sub-regulation 4 of Regulation 35 of the National Road Traffic Act No: 93 of 1996 stipulates that one will require permission from the provincial MEC for a vehicle to bear a number plate embossed with 60 mm letters and figures (in other words the 250 mm x 165 mm size number plate, as per sub-clause 4.2.1.3 a) and b) of clause 4.2 Licence SANS 1116 part 2 & 4) at the back.

No reference is made to attaching aforementioned size number plate to the front of a vehicle. The fact that the Act is silent in this regard cannot be construed to mean that no permission is required and that one may attach the 250 mm x 165 mm size number plate to the front of a vehicle, but rather that one doesn't even have the option to obtain permission in this regard.

#### Changing the position of a Provincial Logo on a 250 mm x 165 mm size number plate.

The layout of the characters is subject to the SANS 1116 specification (part 2 & 4), that states under sub-clause 4.2.1.3 b) of clause 4.2 Licence Numbers that *"not more than five characters per line shall appear in two lines on a number plate of size 250 mm x 165 mm ( $\pm$  1mm) (See figure 3(d))."* The exact position of the provincial logos is also specified in the relevant Provincial Gazettes.



Example of incorrect layout for illustration



Figure 3 (d), as per SANS 1116

### SANA CONTACT DETAILS:

Cell: 082 322 5208 | Fax: 086 684 1304  
Email: zurika@neza.co.za

COURTESY OF THE SOUTH AFRICAN NUMBER PLATE ASSOCIATION

## NEW APPOINTMENTS AT MIOSA



**JACKIE GILDENHUYS**  
PA to National Chief  
Inspector



**MARYKE FOURIE**  
Finance Department



**ROBIN WRIGHT**  
Information And  
Liaison Office



**NICK BRANDT**  
Senior case manager

## INTRODUCING A CASE MANAGER

Case manager Nick Brandt (53) is a soft-spoken individual with a passion for cars.

After he matriculated from Roodepoort High School he had a six-year stint in the army.

After qualifying as an auto electrician, Nick worked for Atlas and VW. He ran his own business for 17 years and then joined the Automobile Association of South Africa.

Nick joined the MIOSA during February 2015.

Married with two children, his interests are rugby and motorsport.

A staunch Western Province supporter, he also tries his luck on the golf course when time permits.



## PEOPLE, PUNS AND PRODUCTS



### NEW APPOINTMENTS

Former Renault SA CEO, Niall Lynch, (left) has moved to Hyundai SA to take over control of the company. Lynch's successor at Renault SA is Nicholas de Canha, CEO of Imperial Fleet Rental.

### ROAD TRAFFIC FATALITIES

Compared to other regions worldwide it seems Africa is the most dangerous place to be on the road. According to the latest statistics, road traffic fatalities per 100 000 population are as follows: Europe 9.3, Americas 15.9, South East Asia 17.0, Western Pacific 17.5 with Africa on top with 26.6. Now for some more bad news; 3 out of 4 road deaths are among men.



### A RENAULT BAKKIE ?

You bet. Code-named Alaskan, it was designed in association with Swedish camera manufacturer Hasselblad. It will be manufactured in South America and it will be available internationally from mid-2016. No specifications are available at this stage.



### YET ANOTHER FERRARI

The latest creation from Maranello is called the Ferrari F12tdf. The letters tdf stands for Tour de France, a classic road race that Ferrari dominated in the 1950s and 1960s.

Powered by a 6.3-litre, V12 engine, it pushes out a massive 573 kW. It accelerates to 100 km/h in 2.9 seconds and can reach a maximum of 340 km/h. It also has an additional rear-wheel steering system to improve handling. Only 799 will be built.

### BRAIN TEASER

Who is the only man who became world champion on two and four wheels? In what car did he win the championship? Which year?

John Surtees, Ferrari, 1964.