

FISH HOEK VALLEY RATEPAYERS & RESIDENTS ASSOCIATION

(Incorporating Fish Hoek, Clovelly and Sun Valley)

Central Circle, Fish Hoek 7975

Web: <https://www.fhvrra.org.za/>

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Heritage Western Cape: Conservation Body

TO: MINISTER OF TRANSPORT – TransportMinistry@dot.gov.za

**SUBJECT: COMMENTS ON THE NATIONAL ROAD TRAFFIC AMENDMENT BILL
[B7- 2020] ¹**

DUE DATE: 20 NOVEMBER 2020

Thank you for this opportunity to comment.

Although the intentions of “0% blood and breath alcohol limit for any persons operating a vehicle on the road” are commendable, implementation will be problematic. Even the current 0.05 gram per 100 millilitres is unenforceable when one considers the number of drunk drivers on the roads and those involved in crashes with over six times the limit.

Also, the human body produces alcohol naturally up to 32 grams per day, but typically four grams can be present at any one time. This is mainly produced by the micro-flora in our digestive tract with our own cells making a minor contribution. The primary fungi are yeast. Drinks such as natural ginger beer, draft beer and some craft beers contain live yeast. As brewers know, yeast converts carbohydrates (carbs) into alcohol and gas largely in our intestines. With today's high carb diets, these people produce more alcohol for absorption into their blood stream. This auto-brewery syndrome can cause intoxication.² When this section is taken to the Constitutional Court, the whole amendment bill may be thrown out.

A 0% blood alcohol limit will be mainly detrimental to restaurant owners. However, shutting down all pubs, taverns and shabeens makes good sense. Any pub hiding under a restaurant's licence to serve alcohol should be required to serve food with the alcohol. Patrons should not be allowed to bring alcohol as corkage isn't usually applied per bottle. The food cost to alcohol cost should be five to one (ex. for every R100 spent on food, R20 additional is allowed to be spent on alcohol). Thus, any arrests for driving drunk should also charge the restaurant, pub, tavern or shabeen manager / owner, mate or neighbour that allowed the driver to leave their premises in that state. Then, we will see change.

Given that the problem is enforcement, amending section 65 of the Act 93 of 1996 makes no sense and won't lead to the intended consequences of removing drunk drivers from our roads. Please leave this section as is and rather increase the budget for traffic officers.

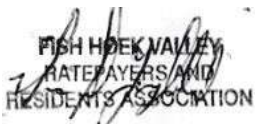
¹ Government Gazette No. 43201, 3 April 2020, (Act No. 93 of 1996) <https://www.gov.za/documents/national-road-traffic-amendment-bill-b7-2020-29-may-2020-0000>

² <https://www.alcoholproblemsandsolutions.org/the-human-body-produces-alcohol-naturally-and-continuously/>

Summary

In conclusion, we request that:

- Section 65 be left as is with its low level of alcohol content of less than one drink being feasibly enforceable given that some humans produce more alcohol internally than that anyway;
- The enforcement budget is increased; and
- Alcohol providers are also be brought to book for allowing patrons to over indulge.

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DATE	3 November 2020