



UPDATE

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FROM THE DESK OF THE OMBUDSMAN

THE OFFICE OF THE MOTOR INDUSTRY OMBUDSMAN OF SOUTH AFRICA (MIOSA) ACCREDITED BY THE DEPARTMENT OF TRADE AND INDUSTRY.

The official accreditation of the office of the MIOSA by the Department of Trade and Industry was published in the Government Gazette on the 17th of October 2014.

The way consumers handle complaints regarding suppliers in the motor industry, and how these complaints are resolved, will change on 17 January 2015 when the South African Automotive Industry Code of Conduct and the accreditation of the alternative dispute resolution scheme administered by the MIOSA as an accredited industry Ombudsman in terms of the Consumer Protection Act (CPA), will come into effect. This is an important development for consumers who have been battling to resolve complaints regarding vehicles for many years.

The MIOSA is the first alternative dispute resolution scheme to receive accreditation by the Department of Trade and Industry and the Code is the first industry code prescribed by the CPA which came into effect in April 2011. The MIOSA has been in operation since 2000 as an independent institution for the resolution of disputes when suppliers and consumers cannot resolve complaints.

The South African Automotive Industry Code

The Code was proposed by the Automotive Industry and recommended to the Minister of Trade and Industry by the National Consumer Commission (NCC). The Code regulates relations between persons conducting business in the Automotive Industry and their interactions with consumers.

The Code provides for a scheme of alternative dispute resolution between consumers and all participants in the motor industry and creates an industry ombud to provide alternative dispute resolution services. The Code applies to the entire Automotive Industry irrespective of membership of any Automotive Industry Association and has been published as a regulation which will form part of the CPA, promulgated in 2008. *continue p. 2*

Season's Greeting & Happy New Year

Back Row: Mpho Bogopa (Case Manager Assistant), Tjaart vd Walt (Operations), Johan van Vreden (Ombudsman), Kobie Krause (Deputy Ombudsman), Dären Smith (Case Manager) **Second Row:** Theo van Niekerk (Case Manager), Lucious Bodibe (Case Manager), Beverley van Vreden (Finance Manager), Coen Gouwes (Case Manager – NCC) **Third Row:** Marelidiah Raymonds (Admin), Jenny Smith (Admin Manager), Refilwe Phala (Admin), Cathrine Baloyi (Admin), Leanne Lubbe (Operations Manager) **Front Row:** Rejoice Ngwenya (Reception), Naomi Nemahadwe (Admin – NCC), Antoinette Swart (Admin – NCC), Caroline Damons (Admin) **Insert:** Mercia Van Niekerk (Marketing)

Consultants

- Cyril Neilson
- Stephanie Newsome
- Rozanne Spangenberg
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CONTINUES FROM P1.

Adhering to the Code will not be a voluntary process for suppliers anymore because the Code becomes law for the whole Automotive Industry.

The Automotive Industry for the purposes of the Code means:

- Importers, distributors, manufacturers, retailers, franchisors, franchisees, suppliers and intermediaries who import, distribute, produce, retail or supply passenger, recreational, agricultural, industrial or commercial vehicles including but not limited to passenger vehicles, trucks, motorcycles, quad cycles, boats and trailers;
- Importers, distributors, manufacturers, retailers or suppliers of completed components and accessories for vehicles;
- Anyone rendering a related repair or replacement service on vehicles to consumers;
- Anyone who modifies converts or adapts vehicles.

Implementation of the Code

The MIOSA as the custodian of the Code will implement the Code. The Code provides for an alternative dispute resolution process within Automotive Industry between:

- Consumers and suppliers;
- Suppliers themselves in instances where a supplier falls within the definition of a consumer as envisaged in the CPA and falls under the threshold as determined by the regulations to the CPA;
- Suppliers and manufacturers;
- Consumers and manufacturers.

Industry requirements

All suppliers will be required to follow the purpose and policy of the Code and must refrain from prohibited conduct and particularly protect consumers from:

- Unconscionable conduct;
- Unfair, unreasonable, unjust contracts and contractual terms;
- Unfair, unreasonable, unjust or otherwise improper trade practices;
- Deceptive, misleading, unfair or fraudulent conduct.

Suppliers will have to establish internal complaints handling processes including an internal complaint handling department, and/or a suitable complaints resolution procedure. Suppliers will have to inform the consumer of the applicable internal complaints handling process to be followed. Industry staff will have to be trained on the general principles and procedures for effective handling of complaints as well as on the CPA, its regulations and the Code.

Suppliers will be required to pay a nominal levy to the MIOSA upon receipt of an invoice. The levy will be payable on or before the 31st December 2014

Complaints must be resolved according to the spirit and provisions of the CPA, its regulations and the Code. Suppliers will be required to make every reasonable effort to resolve complaints within thirty days.

Non-compliance

The MIOSA can take steps in terms of its procedures if suppliers fail to comply with the Code. The MIOSA can refer complaints about non-compliance to the NCC which could lead to the issuing of compliance notices by the NCC and could end up with a ruling by the National Consumer Tribunal. This could have major financial implications for delinquent businesses. Another measure that could be employed by the MIOSA is the public listing of businesses that do not comply with the CPA, its regulations and the Code.

Complaints procedure

The consumer must firstly address the complaint to the supplier or trade association the supplier subscribes to. The supplier must acknowledge receipt and then respond to the consumer in writing within ten days. If the supplier is unable to resolve the matter within 10 days thereafter, the supplier must inform the consumer of the reasons for this in writing. If the matter is not resolved within the time period agreed to by the parties, the consumer can file a complaint in writing with the MIOSA. If the consumer believes that complaining to the supplier first will cause or be likely to cause the complainant undue harm or prejudice, the complaint may be referred directly to the MIOSA.

The supplier will have to respond to the MIOSA within ten days. If the supplier fails to respond, the MIOSA will issue a ruling which will invariably be in favour of the complainant. There however remains a duty on the complainant to comply with the CPA and its regulations. This will include making available all relevant information in writing to the MIOSA.

A copy of the Code as well as contact details and the MIOSA Request for Assistance forms are available on the MIOSA website. (www.miosa.co.za)

ARTICLE ACKNOWLEDGEMENT: Ina Opperman

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A complete list of the location of the branches appear on the adverts at the bottom of page 2, 3, 4, 5 and 6.

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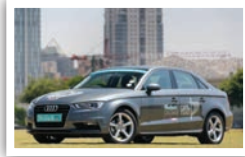
2015 CAR OF THE YEAR FINALISTS ANNOUNCED

The finalists for the 2015 Wesbank/SAGMJ Car of the Year competition were revealed during a thrilling event held at the Inanda club in Johannesburg. The finalist reveal follows a vote cast by a 29 member Jury from the South African Guild of Motoring Journalists (SAGMJ), of an original list of 40 semi-finalists.

The winner will be revealed at a gala banquet on the 18th of March 2015

In alphabetical order they are:

- Audi A3 Sedan 1.4T SE S Tronic
- BMW M4 Coupe Auto
- Citroën C4 Picasso E-HDI 115 Intensive
- Honda Accord 3.5 V6 Exclusive
- Lexus ES 250 EX
- Mercedes Benz C-Class C200 Auto
- Nissan Qashqai 1.6DCI Acenta Auto
- Renault Duster 1.5DCI Dynamique 4WD
- Subaru WRX Premium
- Toyota Corolla 1.4 D-4D Prestige



Audi A3 Sedan 1.4T SE S Tronic



BMW M4 Coupe Auto



Citroën C4 Picasso E-HDI 115 Intensive



Honda Accord 3.5 V6 Exclusive



Lexus ES 250 EX



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NAAMSA MEDIA RELEASE:

NAAMSA COMMENT ON THE OCTOBER 2014 SOUTH AFRICAN NEW VEHICLE SALES STATISTICS AND AUTOMOTIVE INDUSTRY EXPORT NUMBERS



Nico Vermeulen -

Director NAAMSA & Member of MIOSA advisory board

In amplification of the new vehicle sales statistics for the month of October, 2014 – released for public consumption via the website of the Department of Trade & Industry – the Association commented that the remarkably strong domestic sales trend experienced last month had continued in October. Export sales had again continued to reflect underlying strength reaching a record industry number of 32 165 vehicle exports. In the event, domestic new vehicle sales - despite subdued economic growth and

pressure on consumers' disposable income – for the month of October 2014, in aggregate terms, at 59 262 units reflected a substantial improvement of 2 654 vehicles or a gain of 4.7% compared to the 56 608 vehicles sold in October last year. The October, 2014 export sales at a record of 32 165 units reflected a massive improvement of 7 973 vehicles or a gain of 33.0% compared to the strike affected industry total of 24 192 vehicles exported in October last year.

Overall, out of the total reported Industry sales of 59 262 vehicles, 77.2% represented dealer sales, 14.3% represented sales to the vehicle rental industry, 4.3% to government and 4.2% to Industry corporate fleets.

Assisted by another strong contribution by the car rental industry, which accounted for 19.9% of all new cars sold during the month of October, 2014 – the latest monthly new car market had performed above expectations and at 40 666 units reflected an improvement of 646 vehicles or a gain of 1.6% compared to the 40 020 new cars sold in October last year. It was for the second time in 2014 that monthly new car sales had registered year on year growth and the improvement could be attributed to a combination of factors, including, new model launches, incentive packages, pre-emptive buying to avoid expected vehicle price increases, relatively strong corporate purchases, replacement demand and the strong contribution by the car rental sector.

The star performance for the month represented domestic sales of new light commercial vehicles, bakkies and mini buses at which 15 827 units during October, 2014 had registered exceptionally strong gains and reflected an improvement of 1 941 units or 14.0% compared to the 13 886 light commercial vehicles sold during the corresponding month last year. Pre-emptive buying to avoid price increases together with relatively strong corporate demand – had contributed to the improvement.

Compared to the corresponding month last year, sales of vehicles in the medium and heavy truck segments of the Industry at 889 units and 1 880 units, respectively, reflected a mixed performance with medium commercial vehicle sales declining by 110 units or 11.0% whilst heavy trucks and buses had continued to perform well showing an improvement of 177 units or 10.4%. The strength in heavy truck sales was encouraging reflecting improved investment sentiment.

In the case of new vehicle exports, the year on year comparison should take account of the fact that exports in October last year had been affected due to prolonged strike action, at the time, in the vehicle and component manufacturing industries. In the event, industry new vehicle exports during October, 2014 at a record 32 165 vehicles registered a massive improvement of 7 973 vehicles or a gain of 33.0% compared to the 24 192 vehicles exported in October last year.

ARTICLE ACKNOWLEDGEMENT: NAAMSA

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TOTAL VEHICLES BY MANUFACTURER FOR OCTOBER 2014

Manufacturer	RSA	Exports
TOYOTA	12 049	5 754
VOLKSWAGEN GROUP SA	9 057	5 972
FMC	6 674	7 072
GMSA / ISUZU TRUCKS	5 238	285
NISSAN	5 047	1 586
MERCEDES-BENZ SA	3 964	6 524
BMW GROUP	2 563	4 825
RENAULT	1 838	4
HONDA	1 001	19
CHRYSLER SA	727	50
SUZUKI AUTO	564	0
JAGUAR LAND ROVER	516	0
mitsubishi motors SA	455	5
UD TRUCKS	399	6
MAZDA SOUTHERN AFRICA	356	0
MAHINDRA	345	0
TATA	324	4
VOLVO CARS	290	0
MAN	261	6
PCSA	250	0
SCANIA	187	20
FIAT GROUP	153	3
VOLVO TRUCKS	146	6
PORSCHE	126	3
IVECO	108	21
SUBARU	100	0
JMC	95	0
FAW TRUCKS	59	0
POWERSTAR	39	2
RENAULT TRUCKS	34	0
BABCOCK	23	0
VOLVO BUS	4	2
VDL BUS & COACH SA	3	0
MASERATI	2	0
SUB TOTAL	52 997	32 169
AMH & AAD	6 116	
GWMSA	271	
INDUSTRY TOTAL	59 384	32 169

Lightstone
AUTO

Article acknowledgement: Lightstone Auto is the independent provider of the South African new vehicle sales and export data to the dti and the automotive industry. For more information on the Lightstone Auto product line view www.lightstoneauto.co.za



SOUTH AFRICAN NUMBER PLATE ASSOCIATION

BROUGHT TO YOU BY SANA (SOUTH AFRICAN NUMBER PLATE ASSOCIATION)

LATEST NEWS

SABS : CANCELLATION OF CERTIFICATION PERMIT

You might be aware that the Public Protector ruled in favour of an embosser who lodged a complaint against SABS for withdrawing his certification permit. The complaint included, amongst others, that SABS informed the mark holder that his certification permit expired because he relocated to another premises without informing SABS Certification. The findings of the Public Protector included, amongst others, that SABS cannot cancel certification permits without notifying mark holders in writing of their intention to cancel, stating the reasons for cancellation, providing an opportunity for the mark holder to respond, as well as informing them of their right to submit written representations to the CEO. Please ensure to inform SABS Certification in writing, if you recently relocated, and keep record of all correspondence for future reference. The full report, "Regulating Justice" is available on the SANA website (www.sa-na.co.za) under "Latest News" on the Home page.

FEEDBACK

PROPOSED NATIONAL NUMBER PLATE FOR SOUTH AFRICA

Industry is still awaiting the outcome of the proposed National number plate, which was published for comment in Government Gazette No: 37845 of 9 April 2014.

PROVINCIAL : NORTH WEST : PROPOSED NEW SECURITIZED NUMBER PLATE

The proposed North West securitised number plate system was published for comment in Government Gazette No: 37920 on 18 August '14. It was concerning to note that the North West number plate system that was publically launched on 26 March 2014 and discussed with the North West Embossers was replaced with a national version in aforementioned Gazette - again without any public consultation. The new system proposes the usage of only the Type A number plate and embossers will thus be forced to use either the paint or hot-foil embossing systems. It is clear that decisions are made at a high level and there seems to be a total disregard for the embossers' well-being. SANA is therefore opposed to the implementation of the North West number plate system in its current format and our comments on afore mentioned Gazette are available on the website (www.sa-na.co.za) under "Documents & Newsletters", "Embosser Information".

LEGAL EMBOSSING PRACTICE

"NOVELTY" NUMBER PLATES

As an Embosser you know that manufacturing, embossing and selling of number plates are subject to the SANS 1116. It is therefore illegal to emboss legal blank number plates, using the German FE font that was specifically designed for South African number plates, with wording applicable to weddings, sport teams, parking reservations, bar signs etc. and then sell it as novelty items. You as the embosser will not be able to control the usage thereof and some of these number plates might be mistaken for personal number plates or be used during criminal activities, since it can be attached to a vehicle. Embossers can be criminally charged under Regulation 68 of the National Road Traffic Act for making non-compliant number plates.

The blank used in this example is a legal blank number plate, which can be determined from the security markings in the retro-reflective sheeting, the validation mark of the manufacturer in the bottom left corner, the 4 holes for attachment to a vehicle, the black border (applicable to Western Cape), German FE Font and the size (440 x 120 mm).



Sub-regulation 10 of Regulation 35 of the National Road Traffic Act of 1996, Part 1, states that:- "10) Any person in possession of a number plate which is not applicable to any motor vehicle of which he or she is the title holder or owner, shall destroy such number plate, unless such possession is within his or her cause and scope of employment"

. Embossers are thus legally required to record and destroy all reject number plates and may not sell it to third parties for the manufacturing of novelty items, such as handbags.



COURTESY OF THE SOUTH AFRICAN NUMBER PLATE ASSOCIATION SA

SANA Contact Details: Cell: 082 322 5208 Fax: 086 684 1304

Email: zurika@neza.co.za

MIOSA WELCOMES NEW SUBSCRIBERS

The following dealers/service providers have joined the Transaction Protected Project of the MIOSA recently:

DEALER GROUPS

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HYUNDAI TZANEEN
MAHINDRA ALBERTON
MAHINDRA PRETORIA NOORD
MATOPI MOTORS LEPHALALE

MGM MOTORS MOKOPANE
MOTORWORLD CAPE TOWN
RACEVIEW AUTO ALBERTON
SSANG YONG ALBERTON
TAMBOTI TOYOTA LEPHALALE
THABAZIMBI MOTORS

SERVICE PROVIDERS

GLOBAL VEHICLE TESTING AUTO CITY EDENVALE
GLOBAL VEHICLE TESTING BRAMLEY
GLOBAL VEHICLE TESTING CLAYVILLE
GLOBAL VEHICLE TESTING CLEARWATER
GLOBAL VEHICLE TESTING CONSTANTIA
GLOBAL VEHICLE TESTING EDENVALE
GLOBAL VEHICLE TESTING HARTBEESSPOORDAM
GLOBAL VEHICLE TESTING HEIDELBERG
GLOBAL VEHICLE TESTING KEMPTONPARK
GLOBAL VEHICLE TESTING LYTTELTON

GLOBAL VEHICLE TESTING MARTINDALE
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GLOBAL VEHICLE TESTING MAYFAIR
GLOBAL VEHICLE TESTING NELSPRUIT SUIKERRIET STREET
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(t) 012 259 0553
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(t) 016 341 2987

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45 Lesley Street, Vereeniging
(t) 016 455 5695

ROAD SAFETY

A THIRD OF YOUNG DRIVERS ADMIT TAKING 'SELFIES' AT THE WHEEL



Distracted while driving is a major problem in most developing countries, which places the use of Cell phones while driving as a causative factor in some 25 % of crashes.

Just when we thought that we had conceived the worst example of cell phone use (abuse) by downloading apps and communicating with friends via Facebook then a new phenomena surfaces – 'selfies'. A recent word to the official dictionary, this has been the subject of research by Ford in Europe. Ford conducted research in seven EU countries which found that young British drivers are the most likely to take a 'selfie' while driving.

The survey was conducted of 7 000 smartphone users aged 18-24 from across Europe and results revealed that British drivers were the most likely to photograph themselves while on the move (33%), ahead of counterparts in Germany (28%), France (28%), Romania (27%), Italy (26%), Spain (18%), and Belgium (17%). Even though nearly all drivers surveyed, agreed the activities were dangerous.

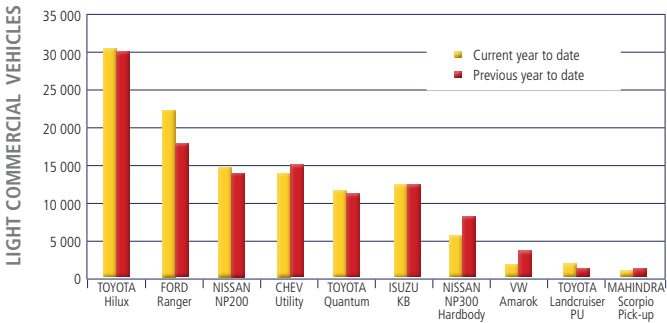
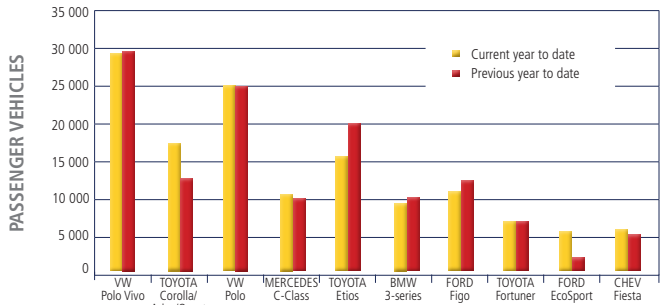
A similar survey by ETSC's member, Liikenneturva, found a third of drivers admitted reading text messages or Facebook while driving. In Europe transport accidents remain the largest single cause of death among people aged 15 to 29.

General Motors is planning to introduce new sensor technology in its cars to warn drivers of lapses in attention either due to fatigue or distraction. The Belgian Road Safety Institute has launched a new communications campaign targeting drivers who use their mobile at the wheel. The BRSI say 1 in 3 Belgian drivers admits to sending an SMS while driving and almost half say they have made a call while holding the phone in their hand.

While we obviously do not have any idea what the state of affairs in South Africa is, we can in all probability conclude that it should be a lot worse given our penchant for breaking the law. All drivers should take a moment to reflect on the reality that aside from driving under the influence, using a cell phone while driving is one of the most dangerous activities undertaken by road users.

ARTICLE ACKNOWLEDGEMENT: EUGENE HERBERT, MASTERDRIVE

TOP SELLERS NOVEMBER 2014 YEAR TO DATE



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