



Portfolio Committee on Justice and Correctional Services
 2nd Floor, Associated Media
 21 St Johns Street
 Cape Town
 8001

Per Email: vramaano@parliament.gov.za

For Attention: Mr. V. Ramaano

Dear Mr. Ramaano

RE: COMMENTS: CRIMINAL MATTERS AMENDMENT BILL

1. Transnet SOC Ltd ("Transnet") herein provides comments on the Criminal Matters Amendment Bill, 2015 (hereinafter referred to as the "Bill"), as requested by the Portfolio Committee on Justice and Correctional Services.

General Comment

2. Transnet welcomes the proposed legislation as cable theft and vandalism has a dramatic effect on Transnet operations, its customers and business. The cancellation of train slots does impact the economy directly and thus negatively affects the transportation of strategic commodities such as iron ore exports, coal exports, local coal supplying to Eskom power stations, lime to the Rand Water Board for water purification and supply of fuel. Higher incidents of cable theft, have in most cases rendered the railways less reliable, thereby diverting traffic to road which leads to the further pressure and deterioration of the road infrastructure.

Specific Comments

3. **Ad Clause 1**
4. The definition of "basic service" as provided for in the Bill is vague as not all services that are provided by the public or private sector will fall within the ambit of the proposed definition. For example, some Transnet business operations would not fall within the ambit of the proposed definition. It is recommended that the

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definition is revised, as it is not clear whether Transnet, when providing certain services to customers, whether these will be regarded as providing a "basic service. Transnet recommends that the definition should not be restricted to "basic service" as some services might not fall within the proposed definition. It is recommended that "basic service" be changed to "public service" and the definition may read as follows:

"public service" means a service provided by the public body or private sector, and includes a service relating to energy, transport, water, sanitation, and communication..."

5. It is important to note that even though the Bill is presented as an Amendment Bill/Act, it contains substantive provisions that will turn its actual status into that of a substantial (standalone) Act that must be referred to separately from the Legislation that it amends.
6. We trust that the Portfolio Committee will consider our comments favourably and wish to advice that Transnet would be available to make representations on the proposed amendments to the Portfolio Committee.

Kind regards


Ndiphiwe Silinga

Group Executive: Legal and Compliance

Date: 16/09/2015

Cc: Ms. Kgomotso Modise

Deputy Director-General, Department of Public Enterprises

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