

# **REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC WORKS ROADS AND TRANSPORT, COMMUNITY SAFETY, SECURITY AND LIAISON ON NATIONAL LAND TRANSPORT AMENDMENT BILL [B7B-2016]**

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## **1. INTRODUCTION**

The Speaker referred the National Land Transport Amendment Bill, [B7B-2016] (the Bill) to the Portfolio Committee on Public Works, Roads and Transport, Community Safety, Security and Liaison (the Committee) for consideration and report back to the House, in accordance with the legal prescripts and the Rules and Orders of the Mpumalanga Provincial Legislature.

In terms of section 118(1) of the Constitution, the Legislature has a mandate to facilitate public involvement in law making, oversight and other processes of the Legislature. It is against this background that the Committee conducted public hearings to solicit inputs and views from members of the public and organized stakeholders on the above-mentioned Bill.

## **2. OBJECTIVES OF THE BILL**

The purpose of the Bill is to;

- To amend the National Land Transport Act, 2009, to insert certain definitions and amend others.
- To provide for non-motorised and accessible transport.
- To bring the Act up to date with developments since the implementation of the Act
- To provide for certain powers of the Minister to make regulations and introduce safety measures.
- To prescribe criteria and requirements for municipalities to enter into contracts for public transport services.

- To amend other transport-related legislation to bring it into line with the Act.
- To clarify or simplify various provisions or solve problems that have arisen since the implementation of the Act.
- To provide for matters connected therewith.

### 3. METHOD OF WORK

- a) The Committee was briefed on the Bill by the National Council of Provinces (NCOP) permanent delegate, Hon MT Mhlanga , on 04 September 2018.
- b) The Committee conducted public hearings in order to solicit inputs/comments from members of the public. Interested people and stakeholders were also invited to submit written comments on the Bill in order to assist the Committee during deliberations that will give effect to the negotiating mandate and ultimately the final mandate.
- c) Invitations to public hearings and the submission of written comments on the Bill were placed in the Khanyisa Weekly News; Mpumalanga Press and the Lowvelder which are the major newspapers circulating in the province.
- d) The public hearings were conducted on Wednesday , 05 September 2018, from 10h00 – 13h00 in the following Districts:

DISTRICT	VENUE
<b>Ehlanzeni</b>	Mpumalanga Provincial Legislature –Govan Mbeki Foyer - Mbombela Local Municipality
<b>Nkangala</b>	Lynville Community Hall - Emalahleni Local Municipality
<b>Gert Sibande</b>	Vukuzakhe Community Hall – Pixley Kaseme Local Municipality

- e) The Committee thereafter met on 25 October 2018 to consider the draft report and the Negotiating Mandate on the Bill and such mandate was duly submitted to the NCOP as [B7B-2016].

#### **4. INTERACTION BY THE COMMITTEE WITH THE PERMANENT DELEGATE AND THE NATIONAL DEPARTMENT OF TRANSPORT**

##### **4.1. Presentation by the NCOP Permanent Delegate**

Honourable MT Mhlanga, indicated to the Committee that as the Member of the National Council of Provinces, representing the Mpumalanga Province, he is mandated to present the Bill to the Committee. He indicated that the Bill that is under discussion has adhered to legal prescripts and it is in order. He further assured the Committee that he will take all the inputs from the Honorable Members to the NCOP.

In the presentation made to the Committee the following were highlighted:

The National Land Transport Act 5 of 2009 (NLTA), was passed to further the processes of transport systems that were started by the previous Transition Act (NLTTA). The Amendment Bill provides for development since 2009, such as rolling out of the 2007 Public Transport Strategy. The Act has been achieving its objectives, for example, consolidating transport functions at the local level. There are also some technical issues that have required amendment of the Act.

The following has been highlighted as the main reason for the Amendment Bill.

- To provide for non-motorised transport (NMT) and accessible transport-in line with international best practice.
- Some of the contracting arrangement for public transport services are revised.
- The functions of the spheres of government are clarified.
- The administrative arrangements for operating licences (OLs) are streamlined.
- ❖ Provision is made for electronic hailing (e-hailing) services.

- ❖ The minister is empowered to delay the implementation of the Act, for example, while contracting arrangements are put in place.
- ❖ Consequential amendments are made and errors are corrected

Fifty- Five (55) Clauses were presented in terms of the Bill.

The following institutions were consulted on the Bill, many of whom provided written comments:

- ❖ The Department of Cooperative Governance and Traditional Affairs(COGTA)
- ❖ The National Taxi Alliance (NTA)
- ❖ The South African Local Government Association (SALGA)
- ❖ The National Consumer Commissioner
- ❖ The Department of Trade and Industry (DTI)
- ❖ The Passenger Rail Agency of South Africa (PRASA)
- ❖ The Cross-Border Road Transport Agency (CBRTA)
- ❖ The South African National Taxi Council (SANTACO)
- ❖ The National Treasury
- ❖ The Department of Tourism
- ❖ The SA Network of Women in Transport (SANWIT)
- ❖ The Southern African Bus Operators' Association (SABOA)
- ❖ The Road Traffic Management Corporation (RTMC)
- ❖ The Committee of Transport Officials (COTO)
- ❖ The National Economic Development and Labour Council (NEDLAC)
- ❖ The State Law Advisor (SLA)
- ❖ The eThekweni Metropolitan Municipality
- ❖ The eThekweni Transport Authority
- ❖ The City of Johannesburg Metropolitan Municipality
- ❖ The City of Cape Town Metropolitan Municipality
- ❖ The Kwa-Zulu Natal Department of Transport
- ❖ The Mpumalanga Department of Public Works, Roads and Transport
- ❖ The Limpopo Operating Licensing Board

- ❖ The Limpopo Department of Roads and Transport
- ❖ The Gauteng Department of Roads and Transport
- ❖ The Gauteng Metered Taxi Association
- ❖ The Eastern Cape Department of Transport
- ❖ The Free State Department of Police, Roads and Transport
- ❖ The Western Cape Provincial Regulatory Entity
- ❖ The Western Cape Department of Transport and Public Works
- ❖ The Western Cape Metered Taxi Association
- ❖ The North West Department of Public Works and Roads
- ❖ The Northern Cape Department of Roads and Public Works
- ❖ The South African Tourism Services Association (SATSA)
- ❖ UBER
- ❖ The Special Economic Sectors, Employment & Infrastructure Development Cluster (ESEID)
- ❖ Other municipalities

#### **4.2. INTERACTION BY THE COMMITTEE WITH STAKEHOLDERS ON THE BILL**

The committee made a call to public and stakeholders of the public hearing and to submit written submissions, using the following newspapers; namely the Khanyisa Weekly News; Mpumalanga Press and the Lowvelder.

The following stakeholders were invited by the Committee to attend the public hearings held 05 September 2018 and 11 October 2018 raised the following matters:

- Community Members
- Department of Public Works, Roads and Transport
- Transport Industry
- Department of Community Safety, Security and Liaison

#### **4.2.1 Inputs by the Department of Public Works Roads and Transport**

The department indicated that they have been in consultation with the National Department on the processing of the Bill and the department agrees with all the amendments that have been presented.

#### **4.2.2 Inputs by the community during the public hearing**

The community raised the following in relation to the Bill:

- a) Community members raised a concern about the private vehicles operating as taxis, they proposed that this private vehicles must be given operating licenses .
- b) Community members requested more engagement on the Bill in particular transport business
- c) Community members appreciated that they can now register their taxis but the Bill does not regulate the curbing of the taxi fees and this should be regulated.
- d) Community members indicated that passengers are happy about the Bill and they felt it will assist to address their plight of safety in taxis; and the state, further indicated that the government should step in by ensuring that skilled drivers get hired by the taxi owners.
- e) Community members wanted to know how the Bill regulate salaries of the people who are in the taxi industry.

### **5 Inputs by stakeholders**

#### **5.1 INPUT BY MPUMALANGA PROVINCIAL TAXI COUNCIL**

## **Role of the Taxi Associations**

- ❖ Recognition of all taxi associations by the Act and Regulation to be reflected in all regions.
- ❖ Alignment of the standard constitution with SANTACO constitution to establish policies that will be determined by provincial policy.
- ❖ All transactions in relation to the members in relation to the members of each taxi association should be processed through the recommendation letters in order to promote proper control system.
- ❖ The same should also be applied to the charter service that will be affecting all the routes allocated to each registered taxi association
- ❖ Scholar transport at local to be incorporated to the resident taxi association and their scholar transport permits to be processed with recommendation letters obtained from the local taxi association as per the area of jurisdiction for proper control as well.
- ❖ The scholar transport to be identified with the different colour coding to avoid contradiction with minibus taxis.
- ❖ Meter taxi and Uber to be managed and recommended by the resident taxi association timeously
- ❖ All taxi associations to affiliate under SANTACO as per the 2001 Durban resolution, in which all parties such as PROTACOS, NTA, and SANTACO.
- ❖ No recognition of the concerned group from each association in the province, but a proper negotiating platform through Regional Taxi Council should be exhausted in case of the domestic problems from all taxi associations.
- ❖ All members of the taxi associations to follow proper line functioning when reporting their concern of violation of procedures and other related matters to their dissatisfaction in taxi association's matters.
- ❖ Screening of all members before being elected as executive members.
- ❖ Executive committees not to abuse their powers by virtue of their respective portfolios in the executive committee, the same be applied to all the members of the taxi associations.

- ❖ All the members of each taxi association are subjected to discipline and subject to be corrected as per the association's code of conduct.
- ❖ All the members of each taxi association to be binded by the operational criteria that will be determined by the taxi association's policy from time to time.
- ❖ All the members of each executive committee who lost their positions during elections should render their continuous support to the newly elected executive committee, to the elected committee should not to lead the members contrary to the association's policies.
- ❖ All amendments to the constitution and policies of each taxi association to be amended during each AGM.
- ❖ The joining of new members and transfer of files amongst the members should be endorsed during AGM's and be managed by the provincial policy to determine the final decision.

### **Role of the Municipality**

- ❖ Each municipality to make provision of the ranking facilities in conjunction with the residence taxi association to avoid the structures that will become wild elephants.
- ❖ Each municipality to take full responsibility for maintaining each ranking facility in providing electricity, water and sanitation.
- ❖ Taxi associations should be exempted from paying municipal services.
- ❖ Approval of the operating licenses as per area of jurisdiction by the municipality should be taken at the joint sitting comprised of the resident taxi association and the OLB, the same should be applied to all the contractors who rendered the transportation service on all routes that are registered by various taxi associations.
- ❖ The private sector transportation system should be ring- fenced and allocated to the residence taxi association who will be directly and indirectly affected.



- ❖ In case of any new development, the municipality should make provision for loading and drop off zones for all public transport systems, the same applies to the development of malls and other municipal infrastructure.
- ❖ The municipality and the private sector should consider the resident taxi association during the transportation of residents to all events convened by government.
- ❖ Recognition of taxi patrol cars for the purpose of maintaining proper control for minibus taxis.

### **Role of the Transport Registrar to Taxi Association**

- ❖ The registrar should be responsible to register the association members and their routes.
- ❖ The Registrar will be invited to all associations, Regions and the Provincial elections and AGM'S as stipulated from SANTACO election document.
- ❖ In case of any dispute reported by each taxi association or individual from each taxi association the Registrar should obtain the written report from the Regional Taxi Council, if not, the Registrar must guide the complainant to follow proper line functioning.
- ❖ Every time the Registrar wishes to engage on all association matters, the Regional Taxi Council should also be informed to accompany the Registrar in maintaining the dignity and respect of the office for Registration and monitoring.
- ❖ The office of Registration and monitoring should be prohibited in entertaining the concern groups without the approval of either the Regional or the Provincial Taxi Councils.
- ❖ The Registration and Monitoring should only register the taxi association which constitute the criteria of being a qualified association as prescribed by the act, also to avoid the contradiction or duplication of routes on top of existing taxi association.

- ❖ The registration and monitoring should be prohibited for recognizing non-members to operate on the routes of the existing members.
- ❖ The registrar is prohibited from disbanding all the democratically elected executive committees.
- ❖ The office of registration and monitoring must work hand in glove with both the regional and the provincial taxi councils for strengthening a good working environment.
- ❖ The registrar must vacate the space allocated to both the regional and provincial taxi councils unopposed.
- ❖ Regulations by the National Minister to be implemented and be applied in equal proportional basis to all the provinces, as per the MINMEC resolutions.

### **Municipal Regulatory Entity**

- ❖ SANTACO felt that only PRE be authorised to capture the database of all taxi associations and operators, considering the heavy load carried by each municipality in regulating the operating licenses.

### **Operating Licences**

- ❖ Application for the operating licences should be gazetted and published, purpose to eliminate duplication of route.
- ❖ Operating licences to be issued to all the operators in good standing that meets all the criteria of being a legitimate operator by area of proper registration in order to avoid piracy.
- ❖ All the operating licences that were converted from permits to retain indefinite lifespan status.
- ❖ The act must create the platform to regulate the recognition of the organised permits
- ❖ The metered taxis and Uber operation to be incorporated to taxi associations and properly managed to avoid any vested interest on operations.

- ❖ SANTACO amended no regulation of an electronic hailing transportation service unless the type is also incorporated to the taxi industry as well.
- ❖ No waiting period for the transfer of the operating licenses especially when the operator is in possession of all the required documents for that specific transaction, which means the above transaction should be processed over the counter.
- ❖ All applications from the taxi industry to be allocated an opportunity to appeal at the TAT in obtaining tangible reasons as to what contributes to the decline of their applications.
- ❖ SANTACO to partner with the rail transportation service as per what the IPTNS regulates.
- ❖ SANTACO to be consulted when government approve the newly mode of public transport before regulated in meeting the safety specification prescribed timeously.
- ❖ All operating licensing board to improve their standard of service to operators that will address the challenge caused by the server at National as well as their internal challenges.
- ❖ The appointment of the Transport Registrar to be agreed upon on the joint sitting with the relevant taxi structure particularly during the interviews.

## **5.2 INPUT BY BUSCOR**

### **1. Amendment of regulation 221, paragraph (e) of Part III**

Part III of the Act, Dimension of Vehicle Regulation 221 (e) currently reads as follows: No person shall operate on a public road-

(e) "a bus train, if the overall length thereof exceeds 22 metres

It is requested to amend Regulation 221 (e) in order to make provision for a bus-train with an overall length of 27 metres. The amended Regulation 21 (e) shall then read as follows:

No person shall operate on a public road –

**(e) “a bus train, if the overall length thereof exceeds 27 metres;”**

2. Amend the definition of a “bus-train “of part I, Par I of the National Road and Traffic Act, Act No 93 of 1993

With the amendment of Regulation 221 as requested above, the definition of a bus-train Par (a) of the definition of a bus-train reads as follows:

“bus-train means a bus which-

(a) “ consist of two sections connected to form a unit;

It is requested to amend Par (a) of the definition of a bus-train to read as follows:

“bus train means a bus which-

(a )“ consist of two or more sections connected to form a unit;”.

### **5.3 Input by City of Mbombela Maxi Taxi Services**

➤ **The legislation of Metred or Maxi Taxis in the City of Mbombela by:**

- Providing them with permanent permits or operating licenses
- Providing them with places to work e.g permanent marked parking’s in the CBD and surroundings.
- Allowing them to form their own association as they are doing a different job with the mini-buses.
- Allowing them to apply for the permits as a group.

## **6 Findings by the Committee**

- a. During the public hearing process members of the public and stakeholders supported the Bill and further requested that their views should be forwarded to the NCOP as contained in the report.
- b. Some of the inputs made by the public and stakeholders would be addressed as follows:
  - In Regulations once the Bill is passed into an Act, and
  - The Department of Public Works, Roads and Transport and Department of Cooperative Governance and Traditional Affairs will be engaged on the matters raised and to report back to the Committee.

## **7 Recommendations**

**The delegation representing the Province of Mpumalanga in the National Council of Provinces (NCOP) is conferred with authority and mandated to vote in favour of the National Land Transport Amendment Bill [B7B-2016] without any proposed amendments, taking into account the views of the public as contained in this report.**

## 8 CONCLUSION

The Chairperson wishes to thank all members of the public and stakeholders for their worthwhile participation in the public hearings and for the inputs or comments they have made.

The Chairperson further extend a word of gratitude to the Members of the Committee, the NCOP Permanent Delegate, and Hon MT Mhlanga for the efforts in ensuring that the Committee meets its obligation and the support staff who contributed to the success of the whole process.



**HON GC SHABALALA**

**CHAIRPERSON: PORTFOLIO COMMITTEE  
ON PUBLIC WORKS, ROADS AND TRANSPORT,  
COMMUNITY SAFETY, SECURITY AND LIAISON**

25/10/18  
**DATE**