

*Report of the Portfolio Committee on Transport dated 26 October 2018 , is as follows:*

**1. Terms of reference**

The National Land Transport Amendment Bill [B7B-2016], the (NLT Amendment Bill) was referred to the Portfolio Committee on Transport by the Honourable Speaker. The terms of reference of the Committee were to consider the Bill, conduct public hearings within the Eastern Cape Province so as to obtain public inputs and formulate negotiating and final mandates.

**2. Method of work**

Hon. T. Xhanti (Chairperson) attended a briefing on the National Land Transport Amendment Bill at the National Council of Provinces (NCOP). The Portfolio Committee also received a briefing on the Bill from the Permanent Delegate, Hon. Z. Ncitha on behalf of Hon. M. Rayi and the Department of Transport.

The Committee decided to conduct public hearings around the Province with a view to get inputs from relevant stakeholders who are affected by the Bill and the general public so as to be in a position to formulate negotiating and final mandates which would be informed by representations from the relevant stakeholders and the public in general.

Public hearings were held from 17 – 21 September 2018 across the Province

**3. Summary of Public Inputs**

**3.1 Sarah Baartman District (Graafrinet, Hankey, Humansdorp, Port Alfred and Grahamstown)**

**(1) Masizakhe Community Hall - Graafrinet**

Inputs

- (a) The people of Graaff Reinet accepted the Bill
- (b) Farmers who are transporting workers need to be monitored because some of these farmers deduct a fee from their worker's salaries while they claim they are transporting them for free.

**(2) Vusumzi Landu Hall – Hankey**

Inputs

- (a) People raised that the Police and Traffic Officers are the owners of taxis and some use their family members to do business in this taxi industry without having operating licenses.

The Bill was accepted by people of Hankey.

(3) *Humansdorp Civic Centre – Humansdorp*

The Public Hearing was cancelled due to taxi strike in the Province

(4) *Port Alfred Civic Centre – Port Alfred*

*Inputs*

- (a) People raised a concern that the relevant stakeholders to the Bill were not present while they were invited.

The Bill has been accepted.

(5) *Noluthando Community Hall - Grahamstown*

Did not take place due to non - attendance of stakeholders.

**3.2 Alfred Nzo & Joe Gqabi Districts (Mt Fletcher, Matatiele, Bizana, Mt Ayliff and Mt Frere)**

(1) *Mt Fletcher Town Hall*

*Inputs*

- (a) The government must improve the conditions of the roads as some of them cannot be accessed by taxis due to poor condition.
- (b) The government must build road infrastructure which will accommodate non-motorized transport for people living with disabilities and for other non-motorized mode of transport.
- (c) The Bill was appreciated because it will create development in the communities.
- (d) The government must suspend licenses of taxi operators who overload.
- (e) The government must support the taxi industry in order for it to develop.
- (f) The Bill must have a clause which requires a taxi operator to undergo training which will become a prerequisite for the issuing and renewal of Professional Driving Permits (PDP) and this training must aim at addressing the unruly behavior of taxi drivers and they must sign a code of conduct after completing training.
- (g) Tougher sentences must apply to taxi operators who are caught drunk on the roads.

- (h) The government must develop effective communication channels to disseminate information to relevant stakeholders
- (i) There is a concern from Taxi Associations that the drivers of small cars (amaphela) are operating without operating licences and are taking away the business from minibus taxis. Government is therefore requested to regulate them.

(2) Matatiele Town Hall

The Public Hearing could not take place due to on-going strike in the Local Municipality.

(3) Roman Catholic Church - Bizana

The Public Hearing did not sit due to SANTACO Eastern Cape strike.

(4) Emsukeni Development Centre - Mt Ayliff

Inputs

- (a) The commuters complained about ill-treatment by taxi operators who take them from town and offload them far from their homes claiming that their taxis cannot travel on bad roads and they are compelled to catch bakkies to take them home ending up paying twice for one trip.
- (b) The community felt that the government must engage car manufacturers to design minibus taxis that will accommodate persons living with disabilities.
- (c) Taxi operators raised their concern about the condition of the roads and the fact that some roads are inaccessible especially on rainy days because there are no bridges in some areas.
- (d) The Van Association strongly propose that van operators should be given operating licenses in order for them to operate officially in rural areas because minibus taxis are unable to travel on extremely bad road conditions.
- (e) The Bill must have a mechanism to deal with taxi operators who harass and offload commuters from bakkies claiming that they are not licensed to ferry commuters.
- (f) The Bill must ensure that passengers are protected from bad behavior of public transport drivers.
- (g) It was requested that the government must reduce fees for license disc renewal.
- (h) The Bill must include that payment of licensing must be made in every Local Municipality as to avoid travelling costs.

- (i) The community suggested that Department of Transport must resuscitate Transport Forums to discuss problems related to transport.

(5) Mt Frere – Emsukeni Development Centre

Inputs

- (a) The taxi operators appreciated the removal of the requirement of submission of proof of insurance when applying for operating license.
- (b) The promotion of non-motorized transport is supported by the community but the government must first construct roads infrastructure that will be conducive for disabled people and all forms of non-motorised transport.

**3.3 Joe Gqabi District (Barkly East, Venterstad, Sterkspruit, Burgersdorp and Aliwal North)**

(1) Barkly East Town Hall

Inputs

The community appreciated the presentation of the Bill and supported the Bill. However they raised the following concerns:

- (a) There needs to be time frames for soliciting inputs from the municipality especially on matters related to clause 12 and the establishment of municipal regulatory entities.
- (b) Powers to be conferred to municipalities must be explained to the public in relation to the role of councillors and the municipal traffic department when the law comes into effect.
- (c) Municipality planning must also be able to decide on the appropriate number of taxi associations to have in a town or municipality and that transport operators do not straddle jurisdictional districts for operating routes.
- (d) The provision of scholar transport requires local regulation and that all scholar transport providers be licensed and regulated.
- (e) In dealing with the proposal to include law enforcement officials from having a business interest in the taxi industry, there must be clarity on how to deal with people who are already operating and how they can be prevented from continued participation, and steps to be taken to prevent further participation in the industry.
- (f) Municipalities must not make it easy or allow people to do their driver license tests outside their municipal areas of residence. Changing cities and districts for driver license testing makes it easy for the process to be corrupt. The testing process should be fixed to local municipalities.

- (g) The charter licensing process is problematic as some people extend their charter licenses and use them as transport permits in taxi associations. There needs to be stricter regulations of charter licenses and the municipality must enforce the application of these licenses. The taxi industry believes it has a claim to charter licenses and this is a potential source of conflict.
- (h) The District and Provincial Department needs to conduct information sharing sessions with transport providers and law enforcement officials to create an understanding of what is expected of each party.
- (i) There must be measures to prevent abuses in public transport. The municipality must be involved in the regulation of public transport providers especially in scholar transport and farmers.
  - o Contestation of routes with no permits may cause conflict between taxis and transporters workers.
  - o Clause 31 and 41 must be treated in the same manner.
  - o Municipal permits must be clear on farm labourers and scholars
- (j) Barkly East population is growing and growth has put pressure on the taxi industry. Because of small size in previous times the associations were registered in Herschel. The Department of Transport moratorium on the opening of new taxi associations is problematic because of taxi operators from different towns and district municipalities are operating in Barkly. Localised municipal permits will help this and the role of the municipality in transport planning and administration is welcomed.
- (k) Transport service providers require understanding on how to license 4+1 vehicles, which mainly involve the use of Toyota Avanza or similar vehicles.

(2) Venterstad Town Hall - Venterstad

Inputs

The community appreciated the presentation of the Bill and supported the Bill. However they raised the following concerns:

- (a) Regarding the use of charter licenses and the regulation of church trips regulation, taxi associations must be used. Temporal event licenses must be sought
- (b) Public Transport - License for scholar transport (4+1 and Avanza)
- (c) Use of a bakkie according to Road Traffic Act does not allow people to be carried using goods compartment however people are using bakkies due to bad road conditions and there is a challenge of keeping the vehicles road worthy.

- (d) Gariiep Dam: the dam is a public tourist and events hotspot which is prone to accidents. The area is difficult to regulate. More law enforcement officials are required.
- (e) Drinking on the bridge and around the dam. Large groups use a number of vehicles as tour/drinking parties and become uncontrollable. The behavior is worse on weekends and public holidays.
- (f) The municipality must closely monitor planning law enforcement for events and disaster management including crowd control to maintain law. The municipality must consider the use marshalls at big tourist events.
- (g) Venterstad transport providers use 4+1 vehicles for public transport and these are largely unregistered or unregulated. There is a need to register all public transport providers irrespective of the different types of vehicles used.

(3) Sterkspruit – Tien Bank Hall

The public hearing scheduled for 19 September 2018 was cancelled due to a provincial protest by SANTACO – Eastern Cape Province.

(4) Burgersdorp: Burgersdorp Town Hall

Inputs

The local transport business operators were not present though they were invited and had confirmed they would attend the public hearings.

- (a) Can one have two or 3 different licenses for various modes of transport business? The proposed law must be clear about when the powers will be given to municipalities and the scope of powers in transport planning for each municipality.
- (b) There is a lack of clarity about the licensing of vehicles used for scholar transport. People need to be educated about the types of cars that should be used and the passenger seating configuration e.g. 5, 7, 15 and 21 seater vehicles.
- (c) There is support for the inclusion of traffic officers and police from having a business interest in the transport industry.

(5) Aliwal North: Municipal Library

- The public hearing scheduled for 21 September 2018 was cancelled. The Joe Gqabi District Taxi Association leadership led by the regional chairman, Mr. Spofane withdrew their participation in the public hearings. The taxi industry received an instruction from the SANTACO provincial leadership to withdraw participation in the process in light of the grievances related to the Department of Transport.

- In explaining why they withdrew their participation the taxi association cited the fact that the provincial government does not conduct engagement sessions with taxi associations at regional and provincial level. The Legislature's Portfolio Committee on Transport also has a responsibility to formally engage public transport providers across the province to gain understanding of challenges faced by the provincial public transport industry.

### 3.4 *Nelson Mandela Metro Municipality (Uitenhage, Motherwell, Northern Areas, New Brighton & Port Elizabeth)*

#### (1) Town Hall -Uitenhage

##### Inputs

- (a) The Department must look at including the mode of transport used to transport learners at Primary and High schools. This must look at doing away with bakkies and introducing shuttles like its being done at Tertiary institutions. This must be included in the amendments.
- (b) The Bill must also look at empowering the previously disadvantaged communities that are operating in the tourism transport industry.
- (c) Government must also look at the implementation of all the legislation they introduce as enforcement seems to be a challenge.
- (d) A proposal is also made that the taxi industry be subsidized by Government in order eliminate the challenges that are encountered by individual operators within the associations. e.g. Associations taking decisions on behalf of owners which sometimes they do not agree with.
- (e) Can the Bill consider the temporal replacement of a temporal defective vehicles to be done over the counter even if the capacity has increased as the process of applying through the Authority is long, because sometimes the change in capacity is caused by the discontinuation of the model.

The participants felt that they still needed time to engage further with the Bill especially the Ward Committees.

#### (2) Raymond Mhlaba Centre-Motherwell

##### Inputs

- (a) As the Bill is recognizing non-motorized mode of transport, government must build infrastructure suitable for this kind of transport.
- (b) Government should look at assisting the illegal small cars (jikelezas) so that they can be also ready when the Bill becomes law.

- (c) The Bill should introduce sanctions for taxi drivers/owners that harass other road users and commuters.

The Bill was supported.

- (3) Northern Areas-Chatty Hall

The hearing was cancelled due taxi strike.

- (4) Nangoza Jebe-New Brighton

Inputs

- (a) A question was raised if Government was ready for the introduction of the non-motorized transport as the Bill is recognizing it as a mode of transport. If not Government is urged to build suitable infrastructure before the Bill is passed.
- (b) The Bill is silent on the issue of taxi drivers that act as traffic officers who demand fines from other road users.

The Bill was accepted and written submissions will also be submitted.

- (5) City Hall – Port Elizabeth

Inputs

- (a) The Bill is silent on how people with disabilities will be accommodated in public transport as they are not user friendly at the present moment.
- (b) The definition of e-hailing should be strengthened so that it does not look like the one for metre taxi.
- (c) The Bill should standardize the operating guidelines for e-hailing so that they are the same across the Provinces.
- (d) The Bill must re-look the issue of limitations in areas of operation
- (e) The Branding of e-hailing is not necessary as it will make the drivers vulnerable to attacks.
- (f) The punitive clause should be suspended until government addresses the delays in the issuing of permits/licenses.
- (h) The use of metre taxi regulations for e-hailing should be re-considered.
- (i) Before the Bill is passed government must investigate the IPTS buses operating at the Nelson Mandela Metro Municipality as it is alleged that it is riddled with corruption.



- (j) Government should consider printing Bills in braille to accommodate deaf people.
- (k) After the Bill has been passed, a task team should be formed to monitor its implementation.

The Bill was supported.

### 3.5 ***OR Tambo District (Flagstaff, Lusikisiki, Port St. Johns, Libode & Mthatha***

#### (1) *Flagstaff – Club House*

##### *Inputs*

- (a) The Bill must extend the clause precluding Law Enforcement Officials from having a financial interest the in the Public Transport to include all Government Officials.
- (b) The Bill must have a mechanism that ensures that Municipalities are able to discharge their function in the approving of routes by making them more active participants on the processes.
- (c) The Bill must be explicit on Tourism Transport Services if they are being delegated or not as they currently are a national competence.
- (d) The Bill was welcomed by all in attendance

#### (2) *Lusikisiki – Lusikisiki College*

The Public Hearing did not sit because there were no stakeholders in attendance.

#### (3) *Port St Johns Town Hall*

The Public Hearing did not sit because of the strike by Taxi Operators

#### (4) *Libode Council Chamber*

##### *Inputs*

- (a) There were no submissions.

The Bill was welcomed by all in attendance

#### (5) *Mthatha Civic Centre*

##### *Inputs*

- (a) The Bill must extend the clause precluding Law Enforcement Officials from participating in the Public Transport business to include all Government Officials.
- (b) The Bill must ensure that Scholar Transport is not awarded to people or companies who are not in the public transport business.
- (c) The Bill must impose stiffer penalties for Governmental Officials into the Public Transport business whilst still in the employ of the State.
- (d) The Bill was welcomed by all in attendance

### **3.6 *Chris Hani District (Cradock, Dordrecht, Cofimvaba, Cala & Queenstown)***

#### **(1) Cradock – Vusubuntu Community Hall**

##### Inputs

- (a) The community was concerned about clause 9. They wanted to know how fronting in the taxi business will be prevented.
- (b) They feel that abolishing hiking is good though it is unfair for them as hiking is cheaper compared with taxis.
- (c) Although the community accepts the abolishing of using bakkies as a means of transport, they are requesting that government considers that roads in the villages are very bad and normal taxis do not drive to villages, only bakkies are can reach to the villages.
- (d) Clause 38 is also a concern to the community, they feel that tourists can be given temporary licenses but there must be limitations.
- (e) The community feels that non-motorised transport such as bicycles and donkey cart should be licensed so that they can enjoy the benefits of being licensed.
- (f) They feel that formalization of taxi industry is omitted in this Bill.
- (g) They raised concerns regarding the non-consultation by taxi industry when raising fares and requested help from government.
- (h) The poor attendance of taxi owners and drivers was also a concern to the community.

#### **(2) Dordrecht – Qoqodala Hall**

### Inputs

- (a) They feel that providing tourists with temporary licenses need a thorough consultation.
- (b) There was a feeling that taxi owners were not informed about the bill as the publicity was miscommunicated as land claim not land transport.
- (c) There was also a concern of non-attendance by municipality.
- (d) Fronting in the taxi business was also raised in this community as a concern of how it will be prevented.
- (e) The community requested that bakkies should be given temporary licenses as they are the common mode of transport that is used in the villages as the roads are very bad.
- (f) There was a plea from Qoqodala community that government should assist the village by providing a fence to prevent animals from the road to reduce high rate of accidents.
- (g) Most of the concerns that were raised in this meeting were about challenges they encounter in the taxi industry as well as bad roads in the villages.

### (3) Cofimvaba Town Hall

#### Inputs

The community appreciated the bill and the presence of the municipality members however there were concerns regarding the following:

- (a) How fronting in the taxi business is going to be prevented - clause 9
- (b) The government should provide buses to compete with taxis.
- (c) The community does not agree with the provision of temporary licenses to tourists.
- (d) They were much concerned about licensing of bakkies as they were saying the Eastern Cape is very rural and roads are bad.

- (e) They said licensing non-motorized transport such as bicycles and donkey cart is worrying because their roads are small and they are also considering the pace of donkeys on the same road.
- (f) They feel that the bill is silent about roads and the condition of roads cannot be separated from means of transport.
- (g) The community emphasized on the formalization of the taxi industry as they are experiencing so many challenges such as discipline/terrible behavior of taxi drivers/owners, violent taxi strikes, non-consultation when taxi owners are raising fares, etc.

(4) Queenstown – Thobi Kula Hall

Due to poor attendance the Public Hearing was cancelled. Only 2 people attended.

**3.7 Amathole District (Willowvale, Butterworth, East London, Fort Beaufort and Peddie)**

(1) Willowvale Town Hall

Inputs

- (a) The Taxi Industry has noted with concern that Uber Taxis are not regulated by the Government and they reject their existence in the area
- (b) Taxi Associations further complained that they are not getting any form of subsidies from the Government and this is affecting their businesses badly
- (c) People were happy that special trips will be given permits
- (d) People felt that the Bill is silent about the protections of commuters in both buses and taxis

(2) Butterworth Town Hall

Inputs

- (a) Taxi Associations rejected the use of Uber Taxis as it is taking businesses away from them
- (b) The Hikers felt that they are protected by law but they are prevented from doing so by Taxi Associations
- (c) Taxi Associations has noted with concern about the role of Amaphela in transporting people around Mquma Area as this affect their businesses badly.

(d) People feel that Taxi Operators are rude towards them

(3) Peddie - Ncumisa Khondlo Town Hall

Inputs

- (a) Taxi Associations in the area did not attend the public hearing who alleged that they did not receive the notice for the hearings at all
- (b) Those in attendance raised issues that had nothing to do about the contents of the Bill.
- (d) People claim that Taxi Drivers are not treating them with respect and most of the time they are rude.

(4) East London – Gompo Hall

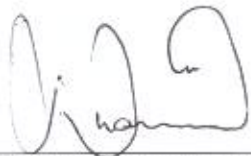
The Public Hearing did not take place on request by the Taxi Associations in the area who alleged they received the notice of the hearings too late. They requested a workshop on the contents of the Bill to be arranged for them before the actual Public Hearings so that they can make a meaningful contributions on its contents.

(5) Fort Beaufort Town Hall

The Public Hearings did not take place due to the total shutdown by Taxi Associations in the Province

**General Finding**

- (a) The Bill has received support from the majority of stakeholders in the Province.



HON T. XHANTI (MPL)  
CHAIRPERSON OF THE PORTFOLIO COMMITTEE ON TRANSPORT

26/10/18  
DATE