**Report of the Portfolio Committee on Trade and Industry on the Public Protector Report (No. 37 of 2018-19) on a systemic investigation into allegations of illegal conversion of goods-carrying Toyota Quantum panel vans into passenger-carrying minibus taxis to transport members of the public for reward, dated 22 March 2022**

1. The Portfolio Committee on Trade and Industry, having considered the *Public Protector Report (No. 37 of 2018-19) on a systemic investigation into allegations of illegal conversion of goods-carrying Toyota Quantum panel vans into passenger-carrying minibus taxis to transport members of the public for reward*,and whether the Minister had complied with the remedial actions determined by the Public Protector,reports as follows:
2. On 7 May 2019, the *Public Protector’s Report (No. 37 of 2018-19) on a systemic investigation into allegations of illegal conversion of goods-carrying Toyota Quantum panel vans into passenger-carrying minibus taxis to transport members of the public for reward* was referred to the Portfolio Committee on Trade and Industry for consideration and report, with specific reference to matters falling within its ambit *(Announcements, Tablings and Committee Reports, 7 May 2019, pp 3)*.
3. The Committee was required to consider whether it was satisfied with the remedial action taken by the Minister of Trade, Industry and Competition to take urgent and appropriate steps to harness and foster good, effective and efficient working relations between the National Regulator of Compulsory Specifications (NRCS) and the South African Bureau of Standards (SABS), as well as to ensure that these two entities complement each other in the interests of government, members of the public and any other applicant who may be in need of their services.
4. Therefore, it should be noted that the purpose of this report is not to discuss the merits and demerits of the findings of the Public Protector with regard to its investigation, but to focus on and determine whether the remedial action identified by the Public Protector has been implemented, and whether the Committee was satisfied with the steps taken by the Minister in this regard.
5. Furthermore, it should be noted that the remedial action determined by the Public Protector is binding, until set aside by a court of law on judicial review; therefore, compliance with the remedial action is mandatory.
6. The Department of Trade, Industry and Competition (DTIC), together with the NRCS and the SABS briefed the Committee on 23 February and 9 March 2022 respectively, where they expressed a view on the findings, the DTIC’s decision to not take the remedial action or some of the findings on judicial review, and further highlighted the steps taken by the Minister to address the remedial action determined by the Public Protector.
7. In their presentations on 23 February 2022, the NRCS and the SABS informed the Committee that no remedial actions were directed at them. However, in their view, the Public Protector’s report contained a number of factual and legal inaccuracies, which would have supported a position to take the report under review.
8. As the NRCS and the SABS are entities reporting to the DTIC, they informed the Committee that these two entities had sought permission from the DTIC to take the report under judicial review within 30 days of its publication.
9. However, the DTIC informed the Committee that “as no direct adverse findings were made against the Department” or the entities reporting to it, it was of the view that in the spirit of cooperative governance it would not be supportive of such an approach. Therefore, as a result of this decision not to take the matter under judicial review, the Minister is in effect bound to implement the determined remedial action.
10. In light of the above, the Committee then requested the DTIC and its entities to brief the Committee on 9 March 2022 on the steps taken by the Minister in addressing the remedial action as prescribed in the report.
11. The DTIC informed the Committee that the Minister had subsequently complied with the remedial action and had facilitated the creation of a Memorandum of Understanding (MOU) that formalised the areas of cooperation and collaboration between the NRCS and the SABS.
12. As a result of the MOU, a Joint Working Committee comprising of representatives of both entities was established to:
13. Manage cooperation and consultation on matters dealt with by both entities;
14. Implement mutually agreed programmes and projects; and
15. Share information.
16. Furthermore, the DTIC informed the Committee that joint management meetings between the NRCS and the SABS had been instituted to deal with operational issues to further foster collaboration and cooperation.
17. The DTIC informed the Committee that it would continue to monitor the implementation of the MOU to ensure ongoing compliance with the remedial action from the Public Protector.
18. Therefore, the Committee, having considered all the facts presented to it, was satisfied with the steps taken by the Minister and was of the view that he had complied with the remedial action as prescribed by the Public Protector.