**Report of the Portfolio Committee on Transport on the Economic Regulation of Transport Bill [B 1 – 2020] (National Assembly – sec 76), dated 16 September 2022**

1. **Background to the Bill**

The Economic Regulator of Transport Bill was referred to the Committee on 31 January 2020. The Bill aims:

• to consolidate the economic regulation of transport within a single framework and policy;

• to establish the Transport Economic Regulator;

• to establish the Transport Economic Council;

• to make consequential amendments to various other Acts; and

• to provide for related incidental matters.

The Committee published the Bill for comment from 14 June 2020 to 30 July 2020. The public hearings on the Bill were conducted on 20, 21, 23, 27, 28 and 30 October 2020. Oral submissions were heard from Uber, Bolt, City of Cape Town: MMC for Transport, Transnet, the Regulating Committee of ACSA and ATNS, SAASOA, Sakeliga, the Minerals Council of South Africa, Traxion Sheltam, the Gautrain Management Agency, the Rule of Law Project of the Free Market Foundation, the RailRoad Association of South Africa, OUTA, Dr Douglas Blackmur, Dr Seán Muller and Mr Ofentse Mokwena.

During deliberations in March 2021, Members raised their concerns about the Bill not specifically incorporating the Cross-Border Road Transport Agency, and that the Bill lacked critical detail. At the time that this was raised, the Parliamentary Legal Adviser advised that in order to remedy the above, if the Committee included the proposed amendments, which are substantive amendments to the Bill, the Committee would have to facilitate further public involvement as these provisions were not included in the Bill considered by Cabinet or in the public consultation phase conducted by the Department of Transport or the Committee.

The Committee decided on 7 December 2021 to advertise the proposed substantive additional amendments for comment. The proposed additional amendments were in respect of provisions to provide for the protection of personal information and the promotion of access to information, provisions that would allow for a phased-in approach of other regulating entities into the economic regulator, further amendments that allow the parliamentary committees responsible for Transport to participate in the appointment of members of the council and amendments that are consequential in Schedule1 of the Bill amending the National Ports Act. The proposed additional amendments were subsequently published for comment from 14 December 2021 to 4 February 2022. The deliberations on the proposed amendments to the Bill were concluded on 31 May 2022.

Some of the notable amendments to the Bill are:

* The Bill intends to consolidate various current transport regulators into the Transport Economic Regulator in a phased approach. Through the proposed amendments, the Bill starts this consolidation with the Ports Regulator of South Africa and further allows for the Minister to add other regulators by notice in the Gazette from time-to-time.
* The Bill seeks to establish the Transport Economic Council. Through the proposed amendments, the process outlined in the Bill to appoint members to the Council now allows for the statutory participation in the short listing process by the relevant Portfolio Committee in the National Assembly with the consultation of the relevant Select Committee in the National Council of Provinces.

1. **Stakeholders who commented on the Bill**

• Uber

• Bolt

• Western Cape Department of Transport and Public Works

• City of Cape Town: MMC for Transport

• Gautrain Management Agency (GMA)

• Transnet

• SASOL

• Regulating Committee for Airports Company and Air Traffic and Navigation Services Company

• South African Association of Ship Operators and Agents (SAASOA)

• Sakeliga

• The Minerals Council South Africa

• Traxion Sheltam

• RailRoad Association of South Africa (RRA)/ African Rail Industry Association (ARIA)

• Dr Seán M. Muller and Prof. Mike Muller

• Dr Douglas Blackmur

• Mr Ofentse Mokwena

• Mr Simphiwe Mlotshwa

• Mr Abraham Ferreira

• The Organisation Undoing Tax Abuse (OUTA)

• Ports Regulator of South Africa

• Passenger Rail Agency of South Africa (PRASA)

• Board of Airline Representatives of South Africa (BARSA)

• International Air Transport Association: South and East Africa (IATA)

• Airlines Association of Southern Africa (AASA)

• Nick Poree and Associates

1. **Committee decision on the Bill**

The **Portfolio Committee on Transport**, having considered the subject of the **Economic Regulation of Transport Bill** [B 1 – 2020] (National Assembly – sec 76), referred to it and classified by the JTM as a section 76 Bill, reports the Bill with amendments [B 1A – 2020].

Report to be considered.