



**FREE STATE LEGISLATURE**

**PORTFOLIO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE,  
ROADS, TRANSPORT AND HUMAN SETTLEMENT**

**Negotiating Mandate**

**TO:** Chairperson of the Select Committee on Transport, Public Service and Administration, Public Works & Infrastructure

**NAME OF BILL:** National Road Traffic Amendment Bill

**NUMBER OF BILL:** [B7B-2020]


**DATE OF DELIBERATION:** 31 October 2023

**VOTE OF THE LEGISLATURE:**

The Portfolio Committee on Public Works, Infrastructure, Roads, Transport and Human Settlement as designated by the Free State Legislature proposes the following amendments to the Bill and votes in favour of the Bill:

Clause	Amendment	Provision	Recommendation
Clause 1	Definitions	Addition of the ff: definitions of  <b>1. Corporation</b>  and  <b>2. instructor</b>	<b>Add the definition of “Corporation” to read “Corporation” means corporation as defined in terms of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999)</b>  <b>Add clause (c ) under the definition of Instructor to read as follows:</b> <b>“(c ) have obtained the</b>

			<b><u>appropriate qualification as a driving instructor as determined by the CEO</u></b>
Clause 8	Section 3L		<p>Include the word "<b>Corporation</b>" as an authority which may provide training and requires approval as a training centre</p> <p>Delete the word "[<b>graded</b>]" Section 3L to read as follows:</p> <p><i>"A provincial department responsible for transport, a local Authority <b>or the Corporation</b> shall not offer authorized officer qualifications unless it has been approved, and registered as a training centre in terms of this Act"</i></p>
Clause 9	Section 3M, 3N, 3O		Subsequent amendments must be implemented in section 3M and 3N.



**HON S MOLELEKI**

CHAIRPERSON OF PORTFOLIO COMMITTEE ON PUBLIC WORKS, INFRASTRUCTURE, ROADS, TRANSPORT AND HUMAN SETTLEMENT

FREE STATE LEGISLATURE

31 October 2023



**REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC WORKS,  
INFRASTRUCTURE, ROADS, TRANSPORT AND HUMAN SETTLEMENTS  
WITH REGARD TO THE PUBLIC HEARINGS ON NATIONAL ROAD  
TRAFFIC AMENDMENT BILL [ B7B-2020]**

**DRAFT REPORT**

**TO THE HONOURABLE SPEAKER AND HONOURABLE MEMBERS OF THE  
FREE STATE LEGISLATURE**

The Portfolio Committee on Public Works, Infrastructure, Roads, Transport and Human Settlements herewith submits its report, Inputs by the public and recommendations with regards to the Public Hearing on the National Road Traffic Amendment Bill [ B7B-2020].

The Portfolio Committee wishes to express its gratitude to the officials of the National Department of Transport, Provincial Department of Community Safety, Roads and Transport, Ngwathe Local Municipality, Matjhabeng Local Municipality, Taxi Associations and all Stakeholders from the Public and Private Sectors for their inputs and effective participation during consideration of the Bill.

**Chairperson and Members of the Portfolio Committee:**

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**M.S MOLELEKI  
CHAIRPERSON**

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**BULWANE, K.W**

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**CLOETE, A. B**

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**MASHININI, M. S**

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**MOKOENA, M. J**

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**TSHABALALA, M. A**

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**TSHABALALA, V. W**

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**TSIU, M**

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## **1. INTRODUCTION AND PURPOSE OF THE BILL**

The Portfolio Committee on Public Works, Infrastructure, Roads, Transport and Human Settlements conducted the public hearings to solicit comments and inputs from stakeholders and public on the Bill.

To amend the National Road Traffic Act, 1996, so as to insert new definitions and to amend others; to provide for the suspension and cancellation of the registration of an examiner for driving licences or an examiner of vehicles, if such person has been convicted of an offence listed in Schedule 1 or 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or has a direct or indirect conflict of interest; to provide for the registration and grading of training centres; to further provide for the registration of manufacturers, builders, body builders, importers and manufacturers of number plates, including manufacturers of reflective sheeting for number plates, suppliers of blank number plates, suppliers of reflective sheeting for number plates, embossers of number plates, weighbridge facilities, manufacturers of microdots, suppliers of microdots and microdot fitment centres; to extend the right to appeal to a manufacturer of blank number plates, manufacturer of reflective sheeting for number plates, supplier of blank number plates, supplier of reflective sheeting for number plates, embosser of number plates, weighbridge facility, manufacturer of microdots, supplier of microdots and microdot fitment centres; to require a provincial Department responsible for transport or local authority to register a driving licence testing centre before operating as a driving licence testing centre; to further provide for the appointment of inspectorate of manufacturers, building, body builders, importers, including inspectorates of number plates, microdots and weighbridge facilities; to prohibit the wilful or negligent issuing of a learner's licence or authorising the issue of a learner's licence, endorsing or failure to endorse a learner's licence, or to produce, print or manufacture any document similar to a learner's licence, contrary to Chapter IV of the National Road Traffic Act, 1996; to prohibit the use of unauthorised aid during a test for a learner's licence or a driving licence test, and the disqualification thereof; to provide for the

registration and grading of driving school instructors; to provide for the registration and grading of driving schools; to regulate further on international driving permits and foreign driving licence and permits; and to provide for matters connected therewith.

The Public hearings were conducted in compliance and commitment to section 118 of the Constitution of the Republic of South Africa, which enjoins the Legislature to facilitate public involvement in the legislative and other processes of the legislature and its committees as well as to conduct its business in an open manner and hold its sittings and those of its committees in public.

## **2. MEMBERS OF THE PORTFOLIO COMMITTEE**

The Portfolio Committee comprises the following Members:

Moleleki, M. S	<b>(Chairperson)</b>
Bulwane, K.W	(Member)
Cloete, A. B	(Member)
Mashinini, M. S	(Member)
Mokoena, M. J	(Member)
Tshabalala, M. A	(Member)
Tshabalala, V. W	(Member)
Tsiu, M	(Member)



### **3. PROCEDURE OF THE PORTFOLIO COMMITTEE**

The Portfolio Committee on Public Works, Infrastructure, Roads, Transport and Human Settlements was briefed on the Bill by the NCOP permanent delegate Hon. Moshodi with the assistance of officials of the Department of Transport on the 16<sup>th</sup> May 2023. Which then lead to the process of Public Participation and Education to take place throughout the Free State Province.

**The Public Hearings were conducted as follows in 4 districts of the province:**

The public hearings will be conducted as follows: -

#### **PROGRAMME OF THE INFRASTRUCTURE DEVELOPMENT PORTFOLIO COMMITTEE**

Date	Time	Venue
16 May 2023	10:00	Multi – Purpose Centre, Thabo Mofutsanyane District, Harrismith
17 May 2023	10:00	Vredefort Town Hall, Ngwathe Local Municipality, Parys
18 May 2023	10:00	Odendaalsrus Town Hall, Odendaalsrus, Matjhabeng Local Municipality
23 May 2023	10:00	Gariepdam Town Hall, Gariepdam, Kopanong Local Municipality

#### **4. OVERVIEW OF THE PUBLIC HEARING ON NATIONAL ROAD TRAFFIC AMENDMENT BILL [B7B- 2020]**

##### **4.1 General Comments by the Public and Stakeholders.**

1. 22-seater Taxis when renewing of license disk and roadworthy certificate is unfair and unacceptable as it drains the coffers of owners.
2. Hiring out of permits is illegal and unconstitutional and must be scrapped.
3. Learner Transport Owners are impeded to access roads as some are not accessible due to the bad conditions of the roads.
4. Driving School and Learners Drivers Owners suggest that a “Learner’s drivers’ course be included into the Curriculum of the Department of Education.
5. Minibus Taxi drivers not to poach learners or ferry them as they are collected by Learners Transport owners.
6. The Bill should make provision to regulate the taxis that are doing business in the country, and they should also pay a fee when ferry passengers.
7. The Bill should provision to regulate all cars that are from outside the country to be cleared before they are allowed to be used permanently in the country,
8. Micro dot on taxis should be done by registered car dealers to avoid corruption and to be able to trace illegal cars fearing commuters.
9. All imported cars should comply with the regulations of the country.
10. The Bill should amend the fact that taxi licences should be paid twice a year and make a provision for the taxi licences to be paid once a year.
11. The Bill should make a provision for the roadworthy certificate and licence disk of the taxis to be paid together.
12. The Bill should make a provision for the professional driving permit (PRDP) to be extended after it has expired.

### **4.3 List of written submissions**

1. Road Traffic Management Corporation.

## 5. RECOMMENDATIONS

The Committee recommendations:

Clause	Amendment	Provision	Recommendation
Clause 1	Definitions	<p>Addition of the ff: definitions of</p> <p><b><u>1. Corporation</u></b></p> <p>and</p> <p><b><u>2. instructor</u></b></p>	<p><b>Add the definition of “Corporation” to read</b></p> <p><b><u>“Corporation” means corporation as defined in terms of the Road Traffic Management Corporation Act, 1999 (Act No. 20 of 1999)</u></b></p> <p><b>Add clause (c ) under the definition of Instructor to read as follows:</b></p> <p><b><u>“(c ) have obtained the appropriate qualification as a driving instructor as determined by the CEO”</u></b></p>
Clause 8	Section 3L		<p>Include the word <b><u>“Corporation”</u></b> as an authority which may provide training and requires approval as a training centre</p> <p>Delete the word <b><u>“[graded]”</u></b></p> <p>Section 3L to read as follows:</p> <p><i>“A provincial department responsible for transport, a local Authority <b><u>or the Corporation</u></b> shall not offer authorized officer qualifications unless it has been approved, and registered as a training centre in terms of this Act”</i></p>

Clause 9	Section 3M, 3N, 3O		Subsequent amendments must be implemented in section 3M and 3N.
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2. It is recommended that the National Council of Province should note and implement the inputs made by the community.
3. The Bill is supported by all five districts.



**Road Traffic**  
Management Corporation

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**FREE STATE PROVINCIAL LEGISLATURE**  
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By email: [Portiak@fsl.gov.za](mailto:Portiak@fsl.gov.za)

Dear Ms Khunou

**SUBJECT: INFRASTRUCTURE ROADS TRANSPORT AND HUMAN SETTLEMENT  
PORTFOLIO COMMITTEE – PUBLIC HEARINGS re COMMENTS ON THE  
NATIONAL ROAD TRAFFIC AMENDMENT BILL (B7B- 2020)**

1. The above matter refers.
2. The Road Traffic Management Corporation ("RTMC") was established in terms of the Road Traffic Management Corporation Act, 20 of 1999 ("RTMC Act") as a partnership between the national, provincial and local spheres of Government. The mandate of the RTMC is derived from the provisions of the RTMC Act, which provides *inter alia* that the RTMC must in the public interest, ensure co-operative and coordinated strategic planning, regulation, facilitation and law enforcement in respect of road traffic matters by the national, provincial and local spheres of Government.
3. The RTMC wish to express its sincere gratitude for the opportunity to submit the proposals to be considered for inclusion in the National Road Traffic Amendment Bill (B7B 2020).



**Board of Directors:** Ms N Mufamadi (Chairperson), Prof. M Mphahlele, Ms T Thankge CD(SA), Dr E Thebe, Adv. X Stemela, Ms L Magaio, Prof C Twala, Mr NJ Kudzingana, Adv. J Makgatho\*  
**Chief Executive Officer:** Advocate MS Msibi  
**Company Secretary:** Ms S Petse  
\*Departmental Representative

4. The proposals made here are in summary informed by developments in the traffic training fraternity post formulation of the applicable sections in the Amendment Bill.

5. The RTMC hereby wish to submit the following proposals –

5.1 **AD - Amendment of section 3D of Act 93 of 1996, as inserted by section 2 of Act 21 of 1999**

a) It is proposed that the word **“ringfenced”** be included in Section 3D(c) to align the provisions with the ringfenced NQF level 6 qualification.

b) The amended Section to reads as follows –

*(c) by the substitution in subsection (1) for paragraph (a) of the following paragraph:*

*“(a) has obtained an appropriate [diploma] **ringfenced** qualification at a training centre approved by the Shareholders Committee;”*; and

5.2 **AD - Substitution of section 3L of Act 93 of 1996, as inserted by section 2 of Act 21 of 1999**

**It is proposed that –**

(a) The word **“Corporation”** as the per the definition for the Road Traffic Management Corporation, be included as an authority which may provide training and requires approval as a training centre;

(b) **“and graded”** be deleted as it is recommended that grading of traffic training centres be provided for and regulated in the Policy Document for Traffic Training Centres. The training environment is an ever-evolving discipline and inclusion of grading will ensure a manageable level of flexibility to respond to changes in training requirements;

(c) The proposals of inclusions of **“Corporation”** deletion of **“and graded”** and to be applied in regard to Sections 3M and 3N.

d) It is proposed that the Sections be amended to read as follows -

### **Section 3L**

*A provincial department responsible for transport, a local Authority **or the Corporation** shall not offer authorised officer qualifications unless it has been approved, and registered as a training centre in terms of this Act.”.*

**Section 3M.** (1) A provincial department responsible for transport or a local authority desiring to offer qualifications for authorised officers shall apply in the prescribed manner to the Shareholders Committee for registration as a training centre.

(2) A training centre may, on the prescribed conditions, be approved, registered to offer qualifications for traffic officers, examiners for driving licences, examiners of vehicles or traffic wardens or a combination thereof.

(3) A provincial department responsible for transport or a local authority or the Corporation shall not offer qualifications for authorised officers unless it has been approved, registered and graded as a training centre.

#### **Registration and of training centre**

**3N.** On receipt of an application referred to in section 3M the Shareholders Committee shall, if satisfied that, in relation to the training centre concerned, the prescribed requirements have been met, register and grade such training centre in the prescribed manner, and give notice of such registration in the Gazette.

#### **Suspension or cancellation of registration of training centre**

**3O.** The Shareholders Committee may, if a registered training centre no longer complies with the requirements referred to in section 3L, suspend the registration of that training centre for such period as it deems fit or cancel the registration, in the prescribed manner, and subject to due process of law.”

#### **Registration training centre**

**3N.** On receipt of an application referred to in section 3M the Shareholders Committee shall, if satisfied that, in relation to the training centre concerned, the prescribed requirements have been met, register and grade such training centre in the prescribed manner, and give notice of such registration in the Gazette.

### **5.3 AD - Amendment of section 28 of Act 93 of 1996, as amended by section 17 of Act 21 of 1999**

- a) The RTMC developed a qualification re (include qualification) for instructors and in consideration of such propose that the requirement for the qualification as determined by the Chief Executive Officer of the RTMC to be obtained by driving instructor be included in the National Road Traffic Act;



b) It is thus proposed that Sections 28 and 28A be amended to read as follows –

**28. Section 28 of the principal Act is hereby amended—**

(a) by the substitution for the heading of the following heading:

*“Instructor to be **trained, registered and graded**”;* and

(b) by the substitution for subsection (2) of the following subsection:

*“(2) **[No]**A person shall not employ any other person as an instructor, or make use of any other person’s services as instructor, unless that other person is **trained and graded as an instructor in terms of section 28B.**”.*

(i) by the substitution for the definition of “instructor” of the following definition:

“ ‘**instructor**’ means any person who for direct or indirect reward—

(a) instructs any other person in the driving of a motor vehicle;

(b) teaches any other person the rules of the road, road traffic signs or any other teaching in order to obtain a learner’s licence, a driving licence or a professional driving permit;

(c) have obtained the appropriate qualification as a driving instructor as determined by the CEO”;

**Section 28A**

*“An Instructor must obtain the appropriate qualification as directed by the Corporation.”*

6. We trust the above to be in order.

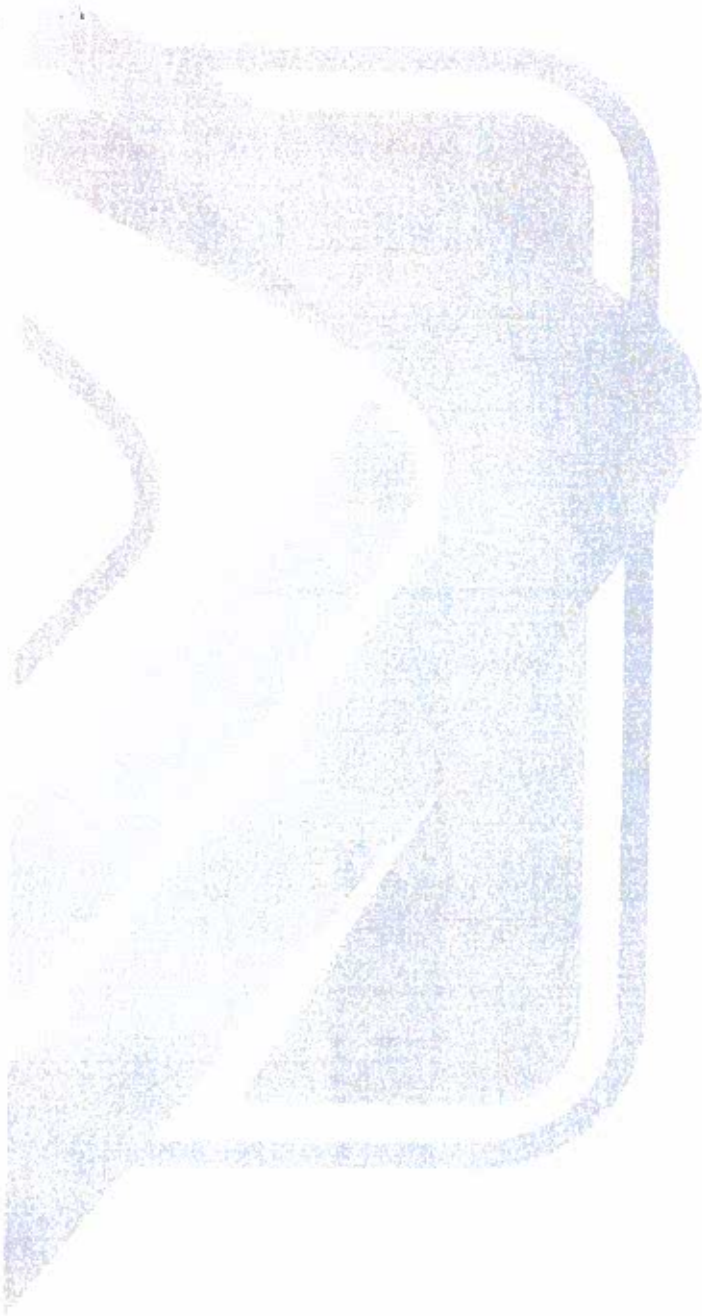
Kind regards



**Adv. M Gerber**

**GM: Legal Services**

**Date: 22/05/2023**



**Board of Directors:** Ms N Mufamadi (Chairperson), Prof. M Mphahtefe, Ms T Thankge CD(SA), Dr E Thebe, Adv. X Stemela, Ms L Magalo, Prof C Twala, Mr NJ Kudzingana, Adv. J Makgatho\*  
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