



NEGOTIATING MANDATE

TO: HON MK MMOIEMANG, MP
CHAIRPERSON OF SELECT COMMITTEE ON
TRANSPORT, PUBLIC SERVICE AND
ADMINISTRATION, PUBLIC WORKS AND
INFRASTRUCTURE

NAME OF BILL: ECONOMIC REGULATION OF
TRANSPORT BILL

NUMBER OF BILL: B1B-2020

DATE OF DELIBERATION: 24 OCTOBER 2023

VOTE OF THE LEGISLATURE:

The Portfolio Committee on Transport met on Tuesday, the 24th of October 2023, and agreed to mandate the KwaZulu-Natal delegation to **support** the **Economic Regulation of Transport Bill [B1B-2020]** with the consideration of the following comments:

Comments on the Economic Regulation of Transport Bill Drafting Errors

Clause 29 (4)

Proposal to delete the words operational rules and insert the word “functions”. The Bill does not make reference to the term operational rules neither defines it, the intention was to make reference to the regulator’s functions in alignment with Clause 30(10)(a) and Clause 38 that deals with the functions of the regulator.

Proposed insertion:

“29(4) On any matter not contemplated in subsection (3), a decision taken, in accordance with this Act and the Regulator’s [operational rules] functions, by a majority of the members of the Executive Regulatory Panel is the decision of the Regulator.”

239 Langalibalele Street, Pietermaritzburg 3201, www.kznlegislature.gov.za

Clause 54(2)

Proposal to amend the cross referencing of clause 54(2) as proposed below:

“54(2) Before making any regulations in terms of subsection [(2)] (1), the Minister must publish the proposed regulations in the Gazette for public comment, for a period of at least 30 business days.”

Schedule 1

There is an error in schedule 1 to the Bill which deals with consequential amendments to various legislation. Of course, he was focused on the amendments to the National Ports Act.

Section 1(2) of Schedule 1 to the Bill provides for the repeal of Sections 29 to 45 of the National Ports Act. Notwithstanding that repeal, Sections 1 (3), 4(a) and 4(b) of Schedule 1 continue to provide for appeals and complaints to be lodged in the manner directed under Section 30(3) of the National Ports Act. How can there be reliance on Section 30(3) of the National Ports Act if Sections 29 to 45 of the National Ports Act are repealed in the Schedule 1 of the Bill?



HON EV DUBE, MPL
CHAIRPERSON: TRANSPORT
PORTFOLIO COMMITTEE

24/10/2023

DATE