



## **REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS AND TRANSPORT, COMMUNITY SAFETY, SECURITY AND LIAISON. NATIONAL LAND TRANSPORT AMENDMENT BILL [B7F-2016]**

---

### **1. INTRODUCTION**

The Speaker of the Mpumalanga Provincial Legislature (“the Legislature”) referred the National Land Transport Amendment Bill [B7F-2016] (“the Bill”) to the Portfolio Committee on Public Works Roads and Transport, Community Safety, Security and Liaison (“the Committee”) for consideration and report back to the House, in accordance with legal prescripts and the Rules and Orders of the Legislature.

The Constitution of the Republic of South Africa (“the Constitution”) vests provincial legislatures with powers to consider, pass, amend or reject Bills (law-making) and to facilitate public involvement in the legislative and other processes of the Legislature. These law-making and public participation powers are specifically derived from s114(1) and 118(1) of the Constitution. Further, the Constitutional Court has held on to numerous cases that a provincial legislature has a constitutional obligation to facilitate public involvement when considering Bills before it.

Therefore, the Committee conducted public hearings to solicit public inputs and views from Stakeholders and Members of the public on the above-mentioned Bill.

### **2. OBJECTIVES OF THE BILL**

- To amend the National Land Transport Act, 2009;
- To insert certain definitions and amend others;
- To provide for non-motorised and accessible transport;
- To bring the Act up to date with developments since the implementation of the Act;
- To provide for certain powers of provinces to conclude contracts for public transport services;
- To expand the powers of the Minister to make regulations and introduce safety measures;
- To amend other transport-related legislation to bring it into line with the Act; and

- To clarify or simplify various provisions or solve problems that have arisen since the implementation of the Act; and
- To provide for matters connected therewith.

### 3. METHOD OF WORK

The Committee was briefed on the Bill by the National Council of Provinces (NCOP) permanent delegate, Hon H Boshoff on Wednesday, 22 March 2023.

Public education sessions were conducted regarding the Bill prior to the Public Hearing. The Committee conducted public hearings after publishing an invitation and made a call for Public Comments through online, other media platforms, including the Legislature Facebook page to solicit inputs / comments from members of the public in April and May 2023. Interested parties and stakeholders were also invited to submit written comments on the Bill to assist the Committee during deliberations that will give effect to the negotiating mandate and ultimately the final mandate.

Invitations to public hearings and the submission of written comments on the Bill were placed in the Mpumalanga News; Highveld; Witbank News and Middleburg Observer which are the major newspapers circulating in the province.

#### The Public Hearings were conducted as follows:

DATE	VENUES	TIME
Wednesday, 26 April 2023	Nkangala District: Dr JS Moroka - Matshiding Community Hall	10:00 – 13:00
Thursday, 04 May 2023	Ehlanzeni District: Bushbuckridge Local Municipality – Merriam Mokgakane Community Hall	10:00 – 13:00
Wednesday, 24 May 2023	Gert Sibande District: Gert Sibande District Hall	10:00 – 13:00

The Committee thereafter met on Wednesday, 01 November 2023 to consider the draft report and the Negotiating Mandate on the Bill.

#### **4. INTERACTIONS BY THE COMMITTEE WITH THE PERMANENT DELEGATE AND THE NATIONAL DEPARTMENT OF PUBLIC WORKS**

Honourable H Boshoff, indicated to the Committee that, as the Member of the National Council of Provinces representing the Mpumalanga Province, she is mandated to present the Bill to the Committee. Hon Boshoff who was accompanied by the National Department of Transport, indicated that the Bill that is under consideration adheres to legal prescripts and is in order. She mentioned that the Department is of the opinion that it is not necessary to refer the Bill to the National House of Traditional Leaders since it does not contain provisions pertaining to customary law or customs of traditional communities. She assured the Committee that she will take all the inputs from the Honorable Members to the National Council of Provinces (NCOP).

#### **5. CONTEXT OF THE NATIONAL LAND TRANSPORT AMENDMENT BILL [B7F-2016]**

- The National Land Transport Act 5 of 2009 (“the principal Act”) was enacted to further the process of transformation and restructuring of the national land transport system started by the National Land Transport Transition Act 22 of 2000 (“the Transition Act”).
- The Bill is designed to update the principal Act and respond to changes since 2009.
- The Bill also provides for the regulation of electronic hailing (e-hailing) services and provides for the amendment of contracting arrangements, among other issues.
- One objective of the principal Act was to consolidate functions at the local sphere where possible to avoid fragmentation of functions.
- The principal Act thus gives powers only to municipalities to enter new contracts.
- It only allows provinces and national government to continue with old order contracts until they are assigned to municipalities.
- This provided challenges, e.g. in that municipalities lacked capacity and disagreements occurred between provinces and municipalities.
- To deal with these challenges and possible lapse of services in certain areas, the Bill seeks to amend section 11 of the principal Act to allow provinces to conclude new contracts and at the same time, to allow national government to intervene where provinces and municipalities fail to perform this duty.
- The President expressed reservations about clauses 7(a), 7(b), 7(h), 7(i), 7(j), 7(k), 7(l) and 7(m) of the Bill based on objections by SALGA and the City of Cape Town.
- The Department is of the view that the Bill can be amended to allay these concerns.
- The concerns and recommended amendments to the Bill are discussed below.

## **6. INSTITUTIONS CONSULTED ON THE BILL FOR COMMENTS:-**

The Department of Cooperative Governance and Traditional Affairs (COGTA); The Department of Economic Development and Tourism; Mpumalanga Tourism Parks Agency; Provincial Treasury, Department of Public Works, Roads and Transport, BUSCOR; Myboets Transport; The Cross-Border Road Transport Agency (CBRTA); The Cross-Border Road Transport Agency The Road Traffic Management Corporation (RTMC); The SA Local Government Association (SALGA); The Nkangala District Municipality; Ehlanzeni District Municipality; Gert Sibande District Municipality; The Mpumalanga Economic Regulatory Entity; The SA National Taxi Council (SANTACO); The National Taxi Alliance (NTA); Mpumalanga Taxi Operators; Driving Schools in all District Municipalities.

### **Written submissions were received from the following:-**

- SANTACO Mpumalanga
- South African Local Government Association (SALGA)

## **7. INTERACTION BY THE COMMITTEE WITH STAKEHOLDERS ON THE BILL**

During the public hearings, Members of the Committee explained the purpose of the public hearing thoroughly. The legislative processes and timeframes for processing the Bill through the relevant channels of the National Council of Provinces (NCOP) were also explained. Members of the public and the stakeholders were made to understand their constitutional rights in relation to them making inputs in the processing of Bills by the Legislature.

The Bill was also presented in the local languages of all the relevant communities. The Committee, the National Department of Transport, The Department of Public Works, Roads and Transport and the Legal Services Section of the Legislature also responded to questions of clarity raised after the Bill was presented. Members of the public and stakeholders who were present at the public hearings generally supported the objectives of the Bill.

### **6.1 Inputs by Nkangala District – Dr JS Moroka Local Municipality**

- The Bill should be written in all South African languages to accommodate stakeholder.

- There should be more public education and induction of stakeholders, noting the limited period given.
- Stakeholders and Members of the Public who were present at Dr JS Moroka Local Municipality supported the Bill.

## **6.2 Inputs by SANTACO**

- SANTACO MPUMALANGA resolved for Indefinite permit causes our business cannot be managed on the temporarily basis.
- Most of our business are under CK which doesn't lapse.
- Business to be in line with the CIPC requirements.
- No lift clubs to be considered on public transport and no courtesy to be allowed on transportation on school kids and hotels.
- TUK TUK is also not allowed hence all taxi associations do have their local taxis operation.
- No car-plus driver to be allowed and commuters are not allowed to associate themselves as business operators within the taxi operational space.
- Local municipality to be capacitated and empowered with legislative framework on public transport.
- Cross broader operations to be managed also to the PRE for accessibility.
- There should be a standardised legislation on intergovernmental relations framework.
- Motor car up to 09 persons to be recommended by residence taxi association on institution, whoever appointed as PRE should at least have the taxi industry background.

### **Conversion of Permits to OLs**

- All route based operating licenses to apply to all public transportation modes, be regulated by the legislation and subject to.
- Be reviewed by detailing to close all the vacant gaps that might be occupied by illegal operators.
- Indefinite permits must be converted to OL but maintain their indefinite status.
- An accreditation to be applied to the taxi type service.
- Any awareness on taxi route detailing to be conducted by Government frequently.
- Conversion of permits to OL must be processed to the operators that have been operating by virtue of being registered on the Registrar's database.

## **Exemptions**

- Farmers and municipalities are prohibited from transporting their workers e.g., Schools, companies.

## **Application for an OL**

- Applications of operation license can be performed by any local municipality in case they are well capacitated.
- Any hearing related to the issuing of operating licenses for all applications in any locality, the resident taxi association must be consulted, and it must recommend thereof.

## **OL Refusal In case of;**

- An individual has applied for an OL without a recommendation from the residence taxi association.
- Based on miss conduct or any criminal activities related to life threatening and murder.

## **Transfare of Operating Licence**

- Business cannot be subject to be sold since is regarded as permanent.
- In case of new developments related to operating license, Government must first engage frequently with taxi industry in any platform.

## **Metered Taxi Services**

- Apply standard meters as regulated by the act in line with SABS requirements.

## **Chater Services**

- Allocated only to the registered taxi association's members;
- No pre booked to be allowed for picking up passengers outside your operational area, however tentative arrangements have to be thoroughly agreed to both parties involved to avoid any conflict of interest.

## **Staff Service**

- No form of staff operation to be allowed on taxi areas of jurisdiction by non-taxi operators.

## **LVD Adapted**

- No adapted LVDs may be used for public transport at any case.

### **Courtesy Service**

- An OL without a car not in use for 180 days must be kept by the PRE based on taxi association`s recommendation.

### **Law Enforcement**

- Minister to provide standardize fee for impounding in the country.
- All security clusters comprised of SAPS, Law enforcement and Government officials are prohibited from owning and operating.
- All transportation services including buses, mini buses, etc, as regulated by the current act.
- On minibuses impounding the taxi industry recommended that the Provincial Regulatory Entity must first priorities taxi.
- Regulations by issuing operating license to all operators in good standing, then deal with all culprits who are illegal.

### **E-Hailing**

- An e-hailing service must be owned and managed by any residence taxi association as per their areas of jurisdiction and implied in line with the 2020 National Taxi Lekgotla Resolutions.

### **6.3 Inputs by South Africa Local Government Association (SALGA)**

The implementation has had mixed results and the Department of Transport (DoT) sought to make amendments to the NLTA to improve success on the implementation of the PT strategy. SALGA was consulted in the process of amending the NLTA. SALGA raised some important issues on the constitutionality of some of the amendments. However, some of these matters were not addressed by the DoT and the Portfolio Committee on Transport. A Bill was approved by both the National Assembly (NA) and National Council of Provinces (NCOP) and sent to the President of the Republic for His assent. SALGA had no option but to petition the President not to assent to the Bill because of the constitutionality matters that were not addressed by the Portfolio Committee. The President agreed and sent the Bill back to the NA for review.

Of concern to SALGA is that this process did not include SALGA even though it is common knowledge by both the Portfolio Committee and the Department of Transport that the process to review was initiated by SALGA by petitioning the President. SALGA did write a letter to the Portfolio Committee dated 28th July 2022. The letter was written after the meeting of the Portfolio Committee which included the Bill in the agenda.

## **Comments on the Bill:-**

Although SALGA made attempts to reach out to the Portfolio Committee on Transport through written communication, such communication was not acknowledged, and SALGA was never afforded any opportunity to engage either the DoT or the Portfolio Committee on reviewing of the Bill despite common knowledge that SALGA had petitioned the President not to assent to the Bill. As the Bill was passed by the National Assembly on the 25th of October 2022, there was no input from SALGA. The overwhelming majority of responsibilities apportioned to different spheres of government in the NLTA are too local government . A review of the Bill that amends such legislation with no input from local government (both organised local government and individual municipalities) undermines the principles of cooperative governance.

Out of the total ninety-six clauses in the NLTA, fifty-three have been amended which translates to an overhaul and raises important questions about whether the current NLTA is achieving the objectives of land transport as set out in the White Paper. The NLTA was promulgated in 2009 and an effort to review commenced in 2015. However, the process has not been completed. Based on international norms on transport legislation of review every seven (7) years, the NLTA would be due for another review in 2023. Recently, the White Paper on transport has been updated. It is not clear whether the proposed amendments reflect the update of the White Paper.

It is assumed that the NLTA is one of the major instruments to realise the objectives of the White Paper. The review also necessitates a Socio-Economic Impact Assessment System (SEIAS) review of the NLTA and the proposed Amendment Bill<sup>2</sup> . The status quo component of the Gauteng Provincial Land Transport Framework draft shows that some key transport matrices such as travel time, percentage of disposal income are getting worse i.e., the travel times are getting longer, and the percentage of disposable income spent by working class homes is increasing.

This begs the important question about the impact of the NLTA and the expected impact of the amendment Bill. There are important questions about value for money that need to be asked about the NLTA in relation to the provisions of the PFMA. The SEIAS report can also provide a clear understanding of the challenges that each of the proposed changes are solving. Integration is an important element of the White Paper on transport. There are several initiatives from the DoT regarding land transport. Some of these include the amendment of the NLTA, the potential devolution of subsidised bus contracts.



The pending devolution of urban rail functions to metropolitan municipalities and the review/development of a public transport subsidy policy. How do these initiatives impinge on each other and how are they integrated to ensure optimum benefit and achievement of the objectives of the vision for land transport in the country? Significant amounts have been spent on the Integrated Public Transport Networks but there are divergent views on their success. Perhaps some of these questions can be answered through the SEIAS report.

### **Specific Comments on the Bill**

Section 1(a): The inclusion of the definition for an association is supported although the idea of them representing their interests seems to create conflict with the intention of the legislation which includes the interests of the commuters. Can the Bill also allow commuters to form associations and serve their own interests? Sometimes there is a conflict of interests between the interests of the operators and the interests of operators. Sometimes operators can pass to commuters all increases in operating costs.

Section 1(b): The definition of Contracting Authority includes Section 11(8), (9), and (10) for purposes that are not obvious or at least what is the problem that the inclusion of these clauses seeks to solve or cure. The inclusion of Section 11(5) is welcome. Other related difficulties with Section 11 will be discussed later.

Section 1(d): The definition includes the phrase “high quality networks of car competitive public transport services”. Whilst the intention is understood, the wisdom of such specificity in legislation can open government to forms of litigation especially those opposed to an IPTN. They could argue that it is not when there is no evidence that it is car competitive or there is a modal shift from car to the service. High quality is also not clear and the wisdom of inclusion of such in a definition is not clear.

Section 1(f): Only refers to a function assigned from National Sphere, what happens when it is assigned from a provincial government?

Does that make any material difference? There are PREs performing this function for their respective provinces.

Section 1(h): The amendment can also include a phrase which refers to the successor of PRASA which will help if PRASA is changed without having to amend the NLTA again.

Section 3 of the Bill: Section 8(1)(d) of the Act: We support the inclusion of operators, but no provision is made for users or commuters.

Section 5 of the Bill: The inclusion of Section 10A is most welcome. SALGA is also concerned about the common view that the NLTA only provides for municipality to start new public transport/bus contracts as per the provision of Section 41(1) and Section 11(6) as suggested at COTO. These two sections do not infer the conclusion made by the DoT regarding municipalities as the only spheres allowed to conclude new contracts. The current subsidised contracts cannot be construed as new contracts considering the history of the Heads of Agreement and the litigation at the Gauteng High Court.

Section 7 of the Bill: Section 11(8) also presupposes some form of devolution without any clear mechanism and the conditions of such a devolution. SALGA is not aware of any issued assignment of such functions by the Minister or the MEC to a municipality such that it meets the conditions set out in the Constitution. The section also refers to Section 5(6) which earlier is considered as unconstitutional as far as it provides powers to the Minister to intervene directly on municipal public transport matters which are considered exclusive functions.

Section 7 of the Bill: Section 11(9) details how the contracts should be designed. However, the point about no clear assignment of the function to municipalities is raised. The issue of litigation and the impact is also raised.

Section 7 of the Bill: Section 11(10) points to Section 5(6) which SALGA points out as unconstitutional as far as it empowers the Minister to issue directives on municipal public transport and the issue of devolution not clearly clarified. The DoT suggested that Section 7 of the Bill was removed but the Minister can still perform the same functions that were excluded in Section 7 through Section 5(6) of the Act. SALGA submits that this is not a solution as Section 5(6) is also unconstitutional.

Section 8 of the Bill: Section 12(1) of the Act: This seems more like a provision to allow for formations such as the Transport Authority for Gauteng (TAG). In an event where the province has legislated for the entity to be formed but things are not going as the municipalities wished, what recourse do they have? What happens to the entity if municipalities no longer wish to participate in such and the minimal threshold of functions as indicated by Section 12(4) no longer hold?

The clause seems to suggest that passing the legislation and the agreement are mutually exclusive whereas subsections 6 and 7 suggest that they are not. Why cannot the options be both available such that cooperation can still be there by agreement only i.e., without a provincial entity.

Section 10 of the Bill: Section 15(2) spelling “modes” not “models”. Section 10 of the Bill: Section 15(3) refers to service level agreements whereas Section 11(1) © xix refers to service level planning. It is not clear what the purpose of the SLA is. Does that make PRASA accountable to the IPC through the SLA? If PRASA does not meet the requirements of the SLA, then what?

Section 10 of the Bill: Section 15(4) of the Act: What happens when municipalities are not happy with the entity? For example, there is competition between province and municipalities on the urban rail function. A change in political leadership can create difficulties.

Section 13 of the Bill: Section 20(1)(A) of the Act: The section suggests that the members of the NPTR are accountable to the DG but must exercise independent discretion. More clarity is needed here to avoid confusion. It is also unusual for such members to be accountable to the Accounting Officer instead of the Executive Authority.

Section 14 of the Bill: Section 21(7) of the Act: Similar challenge where a Minister issues a directive when a municipality is not performing a function as per the view on Section 5(6). Only an MEC can intervene as per the provisions of Section 139 of the Constitution.

Section 20(b) of the Bill: Section 39(3) of the Act as included in the Bill: How does one know/determine that an Operating License is not in use?

Sections 21 and 22 of the Bill: Section 41 and 41A of the Act: In respect to municipalities what is the difference between a Planning Authority and a Contracting Authority? In terms of Section 40 of the Act, provinces and planning authorities can integrate but only the Contracting Authority can negotiate contracts. Assuming a material difference, does this mean a Planning Authority cannot negotiate a contract? Provinces are also contracting authorities and it is not clear why they cannot get into stop gap contract to cue the immediate challenges of both the High Court order and the Public Protector Order. Why is the idea that only municipalities can get into new contracts? Even in the current Act, provinces are contracting authorities and can continue to do functions they were doing before the promulgation of the Act.

Section 23 of the Bill: Section 42 of the Act: It seems a bit confusing why the Contracting Authority will be subject to Section 80 of the Municipal Systems Act when contracting authorities can also be provinces and national government. This seems to suggest/insinuate that only municipalities can get into subsidised contract. This seems like a subtle method of devolving existing contracts to municipalities without a clear process as articulated by the Constitution. (It is important to note that Section 11(2) refers to the Constitution when a function is assigned and typically this needs council approval). The definition of a subsidised service contract does not only include bus contracts.

Section 80(1)(a) clearly points to a service by agreement with another organ of state hence Part 3 of the Systems Act shall not apply. In the proposed change the idea is to send out the contract on tender which means Part 3 of Systems Act will apply. Ideally a Bill should be used to provide clarity than further difficulty in understanding what needs to happen. At times, the Bill seems to be used to correct practical difficulties that can be resolved in another manner.

Section 23 of the Bill: Section 42 of the Act: The proposed change from “may” to “must” be questionable especially if municipalities are developing a municipal public transport service as an exclusive function. The only option is as provided for by the Constitution on exceptional basis as per Section 44(2). The idea is for minimum standards which means municipalities can be allowed to improve those standards. The idea of “must” is not explicit in this regard. As a result, the Constitutionality of this change is questionable.

Subsection 6(b) provides for “minimum requirements” but (a) does not. Perhaps the two must be read together but still there should be consistency of subsection (b) is a subsection of (a). On the face of it, (b) seems to stand alone. The Minister may also not withhold such application for deviation or at least refer to other provisions that ensure that the Minister cannot unreasonably withhold approval of such application to deviate.

Section 24 of the Bill: Section 43 of the Act: The same comment on the inclusion of section 80(1)(a) of the Systems Act as insinuating that only municipalities can engage in contracting for Commercial service contracts.

Section 25 of the Bill: Section 45 of the Act: This repeal is supported as it is not clear why it was there in the first place. This highlights two important general comments. One of these is a new rethink on legislation of the land transport system as the changes are too many. Secondly, it is

the use of the legislation to deal with temporary difficulties and thereby creating some confusion. Section 26 of the Bill: Section 46 of the Act: Why change the wording from contracting authority to municipality when a municipality and other spheres of government can be contracting authorities? If subsection 2 is deleted, how does the Act suggest a disagreement be resolved?

Section 37 of the Bill: Section 62 of the Act: Not sure why is this requirement being done away with considering the current financial difficulties that the Road Accident Fund is facing. If people could claim from such insurance, it could lessen the financial burden on RAF. However, the costs of providing such cover might be inhibitive for operators. A different solution is necessary which might involve RAF subsidising the insurance to lessen the burden instead of the payouts on accidents. We need to be creative here.

### **Other Issues with the NLTA**

Section 5(4) of the Act: The use of the word “ensure” in Section 5(4)(i) is challenging considering that the Constitution gives municipalities and exclusive functions on municipal public transport. The point being that the Minister cannot ensure integration over functions that are an exclusive responsibility of another sphere of government. The wording “promotes”, “encouraged” has been used. Why not continue with this wording instead of saying “ensure”? Shouldn’t the responsibility be placed by the legislation on other spheres of government to integrate than to give powers to the Minister to ensure? This clearly has Constitutional implications.

Section 5(6) of the Act: The Act does not define what an executive obligation is. Municipal public transport is an exclusive function to local government. Section 139 of the Constitution allows a provincial Executive to intervene in situations where a municipality cannot perform its functions, not the National Minister. This provision is unconstitutional as it stands. At best, the Minister can urge the Provincial Executive to intervene but not intervene directly. The idea that the Minister can issue a directive to a Municipal Council is concerning. Even when national government has provided support through the PTNG, does these become municipal public transport or not especially post DORA provision and implementation? If they do, at what point do they become exclusive functions to local government? This needs to be clarified as well.

Section 8(1) of the Act: To include organised local government when the Minister must consult MECs such that the clause reads as follows: “The Minister may, after consultation with MECs and Organised Local Government/SALGA, ....

Section 8 of the Act: Although this section is clear about the Minister making regulations, it is not clear whether such regulations will include the Minister being able to impose such a moratorium. If the intention is that the Minister issue a Moratorium, why would the Minister have such a right if the Minister does not issue operating licences. This is discussed somewhere.

Section 9 of the Act: What is the material difference between the functions of the MEC and responsibilities of provincial government?

Section 10 of the Act: In Section 9 in performing his/her functions, the MEC must consult with planning authorities. Furthermore, in Section 9(2)(f) the MEC is expected to promote intergovernmental relations. However, in making regulations, the same MEC is not obliged to consult in the same manner that the Minister is obliged to consult the MECs. This is currently not in the spirit of the IGR Act.

Section 11 of the Act: SALGA is of the view that the distribution of functions between the three (3) spheres of government must be reviewed considering the success/failures so far in the implementation of the NLTA. The current distribution of twenty-seven responsibilities to local government and no clear mechanism of assistance from the other spheres of government despite both constitutional and NLTA provisions. The reality might be that other spheres of government have challenges with capacity. In some instances, municipalities are aiding provinces for road maintenance. Both the general distribution of funding from the National Revenue Fund and the dedicated roads funding point to an inequitable distribution of resources. If the current distribution of functions is maintained, the distribution of resources must follow suit including the funding available to the DoT. The current exclusion of municipal roads in the Provincial Roads Maintenance Grant (PRMG) does not align with the distribution of functions as per the NLTA.

Section 11(1) (c) (xxvi) of the Act: The section presupposes that the current subsidised are already devolved to municipalities. Although SALGA supports devolution, the appropriate process must be followed as per the conditions set out in the Constitution. Municipalities might already have their own subsidised contracts which are not the current bus contracts managed by provinces. The devolution of subsidised contracts must also pronounce on the future of the subsidy. As is, the current subsidy is unable to meet the current operating costs. The DoT is also reviewing the public transport subsidy policy and what impact will this have on devolution? In Gauteng, the interim subsidised contracts were subject to litigation. What implications does

this litigation have on the devolution, including instances where only a portion of the contract is devolved? Proper due diligence must accompany any process of devolution.

Section 41(1) is not about subsidised contracts but negotiated contracts. The definition of a negotiated contracts points back to Section 41(1) which mentions nothing about subsidised contracts.

Section 21(1)(a) and (c) of the Act: both use the word “oversee” which is not clear. How does the NPTR “oversee” fares on exclusive municipal public transport?

Section 23(2) of the Act says that the PRE is accountable to the Head of Department (HoD) which is similar to the comment on another section on the NPTR.

Section 24(1) (a) of the Act: Also provides for the PRE to “oversee” public transport in a province. What does this practically mean?

Section 33, 34, 35 and 36 of the Act speak to integrated transport planning which requires an overhaul. Ironically, there are minimum changes to this section of the Act. The current integrated transport planning framework is cumbersome and is unable to produce quality plans needed for better use of limited resources.

Section 39(1) (b) of the Act: Provides for issuing of a moratorium under specific circumstances but not under general circumstances.

Section 78 of the Act: What does it mean that an operating license has not been “in use”?

## **Recommendations**

- The Portfolio Committee is requested to afford SALGA an opportunity to present its views on the NLTA and the NLT Amendment Bill before the matter is finalised by the Select Committee in the NCOP.

### **6.4 Inputs by Ehlanzeni District – Bushbuckridge Local Municipality**

- How will the Bill assist the Taxi Industry, noting that ARTO was taken to Court, noting that

judgement was reserved and still waits for the outcomes.

- There are no powers vested to Municipalities to resolve conflicts with operators, a clause should be inserted.
- Stakeholders and Members of the Public who were present at Bushbuckridge Local Municipality supported the Bill.

#### **6.5 Inputs by Gert Sibande District - Dipaliseng Local Municipality**

- The legislature should conduct feedback sessions after the Final Mandate on the Bill has been tabled in the NCOP.
- There should be more Public Education and Roadshows/community awareness regarding Bills.
- Stakeholders and Members of the Public who were present at Dipaliseng Local Municipality supported the Bill.

### **8. OBSERVATIONS AND FINDINGS BY THE COMMITTEE**

- Public education sessions were conducted regarding the Bill prior to the Public Hearing.
- Oral and written submissions that were made by the stakeholders and members of the public were considered accordingly.
- Other submissions that do not address or relate to the content of the Bill will be referred to the relevant Committees within the Legislature, Provincial Departments, Local Municipalities, and other relevant structures for further processing.
- The committee further noted that some inputs made by members of the public and stakeholders will be addressed through Regulations once the Bill has been passed.
- The Stakeholders and Members of the Public who were present in all three Districts during the public hearings, generally supported the Bill.

### **9. RECOMMENDATION AND VOTE OF THE LEGISLATURE**

The Portfolio Committee on Public Works, Roads and Transport, Community Safety, Security and Liaison after considering the Bill confers on the permanent delegate representing the Province of Mpumalanga in the NCOP, the mandate to vote in favor of the Bill without any proposed amendments.



## 10. CONCLUSION

The Chairperson would like to take this opportunity to thank the Members of the Portfolio Committee for their active participation and constructive contributions during public hearings. The Chairperson further extended a word of gratitude to the NCOP Permanent Delegate, and Hon H Boshoff for the efforts in ensuring that the Committee meets its obligation and the support staff who contributed to the success of the whole procedures.



---

HON N MAHLANGU

CHAIRPERSON: PORTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS AND  
TRANSPORT, COMMUNITY, SECURITY AND LIAISON

03 November 2023

DATE