



REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS AND TRANSPORT, COMMUNITY SAFETY, SECURITY AND LIAISON. NATIONAL ROAD TRAFFIC AMENDMENT BILL [B7B-2020]

1. INTRODUCTION

The Speaker of the Mpumalanga Provincial Legislature (“the Legislature”) referred the National Road Traffic Amendment Bill [B7B-2020] (“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

The Bill seeks to amend the National Road Traffic Act, 1996 (Act No. 93 of 1996) (“the Act”). The main objectives of it (“the Bill”), amongst others, are to-

- Provide for the registration and licensing of motor vehicles, manufacturers, builders, bodybuilders, importers and manufacturers of number plates;
- Empower a Member of the Executive Council (“the MEC”) to register an applicant as a manufacturer, bodybuilder, builder, importer and manufacturer of number plates;

- Regulate the registration and grading of applicants as driving school instructors and direct how the application and registration of driving school instructors should be made, to further regulate the driving school industry and to prohibit the operation of unregistered and ungraded driving schools and utilisation of ungraded driving school instructors;
- Ensure misconduct and criminal processes are more efficient, effective, properly enforced and implemented;
- Empower an MEC to declare as void all documents purporting to be driving licences;
- Empower the Minister to appoint a person or authority as an inspectorate of driving license testing centres; and
- Ensure the compulsory registration and grading of driving schools, and the suspension and cancellation of registration by the MEC.

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 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; Highvelder; 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

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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 ROAD TRAFFIC AMENDMENT BILL [B7B-2020]

- The National Road Traffic Amendment Bill, 2020 ("the Bill") was passed by the National Assembly on 27 September 2022.
- The Bill was drafted to give effect, in the short-term, to some of the principal strategies contained in the National Road Safety Strategy, 2006 (Road Safety Strategy).
- The Road Safety Strategy, among other things, contains the Millennium Development Goals set out by Ministers of Transport in Africa, for the purposes of reducing road crashes, improving traffic law enforcement, improving on existing mechanisms and creating more measures to ensure road traffic safety.
- The Bill seeks to achieve proper implementation of the strategic interventions highlighted in the Road Safety Strategy and address practical challenges.

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:-

- 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.

7.1 Inputs by Nkangala District – Dr JS Moroka Local Municipality

- The Bill should be written in all South African languages to accommodate stakeholders.
- There should be more public education and induction of stakeholders, noting the limited period given.
- Driving Schools and Meter Taxi Industries should be given recognition/operational certificates.
- Stakeholders and Members of the Public who were present at Dr JS Moroka Local Municipality supported the Bill.

7.2 Inputs by South Africa Local Government Association (SALGA)

SALGA notes and supports the noble intentions of the Bill which is to improve road safety in the country through implementing aspects of the Road Safety Strategy.

There are always concerns when an institution such as the Road Traffic Management Corporation (RTMC) is subject to provisions from several pieces of legislation which can create confusion. There is an RTMC Act which establishes the institution and the provisions of the Road Traffic Act which the institution is responsible for.

The matter is further potentially complicated by the governance structure of the RTMC which has the Shareholder's Committee, the Board of Directors, and the Executive Management as led by the Chief Executive Officer (CEO). There are always concerns of accountability when the legislation provides direct powers to the CEO without providing a clear mechanism of how the CEO will account for the execution of such functions. Ideally, the legislation should tie such accountability to existing provisions of the RTMC Act, as amended or the Road Traffic Act (RTA) as amended.

Generally, SALGA supports the proposed changes with the concerns raised which will be addressed by the Portfolio Committee.

7.3 Inputs by Ehlanzeni District Municipality – Bushbuckridge Local Municipality

- There must be regulation of driving schools within the Government spheres for them to be recognised as relevant stakeholders, this will also assist them with fair pricing within the industry.
- The Bill must have a clause for consequence management that will be imposed to Government officials who are part of that taxi association industry/owners as well as of driving schools.
- Stakeholders and Members of the Public who were present at Bushbuckridge Local Municipality supported the Bill.

7.4 Inputs by Gert Sibande District – Msukaligwa Local Municipality

- Government is giving preference to Uber drivers and majority are not South Africans.
- The Bill must have a clause stating that “foreign nationals will not be allowed to own any transport company in South Africa”.
- The Bill should also be able to accommodate people with disabilities.
- There must be permits/certificates given to driving schools after completion of the registration processes.

- Msukaligwa Local Municipality requested a feedback-session after the tabling of the final mandate.
- There must be more Public Education conducted on Bills before the initial public hearing.
- Government should consider issuing of vouchers for driving schools, to learners from disadvantaged families that will not be able to afford Tertiary Tuitions. Noting that a driver's license is amongst the key requirements on employment opportunities.
- The Meter Taxi Industry should be offered certification as part of the recognition.
- Stakeholders and Members of the Public who were present at Msukaligwa Local Municipality supported the Bill.

8. OBSERVATIONS AND FINDINGS BY THE COMMITTEE

- Public education sessions were conducted regarding the Bills prior to the Public Hearings.
- 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