

Report of the Portfolio Committee on Transport on the consideration of the Final Mandates for the Transport Appeals Tribunal Amendment Bill, 2020 [B8D-2020] and the Marine Pollution (Prevention of Pollution from Ships) Amendment Bill, 2022 [B5-2022] dated 13 May 2024.

1. Introduction

The Transport Appeals Tribunal Amendment Bill, 2020 was introduced by the Minister of Transport in the National Assembly in 2020 and the Marine Pollution (Prevention of Pollution from Ships) Amendment Bill was introduced in 2022. The National Assembly passed both Bills and referred it to the National Council of Provinces (NCOP) for concurrence.

Upon receipt of the Bills, the NCOP referred the Bills to the Eastern Cape Provincial Legislature for processing.

The Hon Speaker referred the Bills to the Portfolio Committee on Transport for processing. Section 118 of the Constitution of the Republic of South Africa, 1996 states that “*A provincial legislature must— (a) facilitate public involvement in the legislative and other processes of the legislature and its committees.*” Furthermore, Rule 39 (2) of the Standing Rules of the Eastern Cape Provincial Legislature enjoins a committee that has received a Bill requiring mandates to:

- ✓ receive briefings on the Bill;
- ✓ conduct public hearings on the Bill;
- ✓ consider the Bill together with inputs received during public hearings; and
- ✓ confer authority on the Legislature’s delegation to the NCOP of parameters for negotiation when the relevant NCOP Select Committee considers a Bill after tabling and before consideration of final Mandates and may propose amendments to the Bill.

2. Public hearings

The Committee was briefed on the Bills by the Permanent Delegate and the Department of Transport in a virtual meeting on the 4th April 2024.

Thereafter, the Bills were widely publicized in preparation for the public hearings. The publicity of the Bill was conducted using the following media platforms:

- The Bill was uploaded on the Legislature website.
- A call for written submissions was made with a closing date of the 26 April 2024.

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- The Staff of the Committee conducted publicity on the Bills on the 2 -5 April 2024.
- The Public Participation, Petitions and Education practitioners conducted mobilization and public education on the Bill on the 8- 12 April 2024.
- The Schedule of the Public hearings was uploaded on the Legislature social media pages.
- The Committee conducted 13 Public Hearings throughout the Province over a period of four (4) days from the 23- 26 April 2024.
- No written submissions were received.

3. *Highlights of issues raised at the public hearings*

Marine Pollution (Prevention of Pollution form Ships) Amendment Bill, 2022

- The bill is focusing in big companies yet there are small companies and people that pollute the ocean. More should be done to punish small companies too upon pollution.

- The Department of Economic Development through Mr Govender made the following written submission after the hearing.

It was stated by the presenter of Dept of Transport that member states (must) ensure that waste water treatment facilities/services are provided for at port facilities and terminals, in SA we have SOE (TNPA).Does this infer that TNPA needs to avail sewer treatment services for incoming vessels? It must be noted that TNPA as a SOE is dependent on local authorities for the services of sewer treatment and other municipal services. DEDEAT is raising this point as the presenter stated that “government of each party to the convention”, must be in position to accept and treat sewer effluent at their ports. The implications would infer that the port authority would need to establish a waste water treatment works on TNPA property when read against Chpt4, Reg 12, subreg 1 and Reg 13.With reference to the above point, it is very unlikely to happen as that is a not a function of the SOE.By default it would infer the TNPA would have to avail effluent holding facilities and ultimately bulk sewer infrastructure off TNPA property to connect into the local municipality’s bulk sewer

infrastructure for final treatment. Affected coastal local municipalities (NMBM,EL, CT, Durban, Richards Bay as examples) may not have sufficient treatment capacity at their waste water treatment facilities. It is public knowledge that there is growing problem at WWTWs within local governments with a growing land based sewer pollution incidents.

- The Bill is good, as pollution of the sea by the ships is prohibited. The people appealed to the government to allow black people to participate fully in the ocean economy.
- The department must establish information centres right across the province which will assist the young people to understand and participate in the marine economy.
- There are black people living in the coastal areas of the Eastern Cape that are prohibited to participate fully in the fishing industry, the communities appeal to government for intervention.
- The department must open job opportunities for unemployed youth to safeguard and monitor the sea against ships pollution. The employment will promote ocean economy in terms of attracting tourists and establishment of hotels along the sea.
- The people suggested that the department must conduct outreach programmes to promote ocean economy as well as empowering students with relevant information to join marine engineering.

Transport Appeals Tribunal Amendment Bill, 2020

- On clause 2, amending section 4, members of the tribunal must include a member with financial background in order to assist the tribunal to function effectively.
- On clause 3, on extension of period of office, it is proposed that the Tribunal members have workplans so that even if the term of office expires, the member is still able to do finish the work in his or her workplan.
- The taxi industry suggested that this Tribunal must address the delays on the issuing of transport permits.
- The business sector appealed to the government that there must be no foreign nationals that must participate in the transport industry, as South African youth does not have any business.
- The Department of Transport is not issuing permits deliberately applications.

are with them, they do not grant permits since December 2023, vehicles are impounded, and they pay lots of money and storage costs.

- Another challenge are the routes that get reduced when permits are granted permits, and these routes are reduced without consultation.
- There is also a challenge of bad roads that need urgent attention of the department.
- The Tribunal Offices must be closer to where people stay so that it can be easily accessible.
- They appeal to the government to protect and support the transport industry as it is the only black owned.

4. *Negotiating Mandate*

The Committee conferred a negotiating mandate for the permanent delegate to vote in favour of both Bills. The Negotiating Mandate meeting on the Bill was held on 30th April 2024. There were no amendments proposed on the negotiating mandates. The Select Committee sat on the 7th May 2024 to consider the proposed the amendments. The committee resolved to reject all proposed amendments on the Marine Pollution (Prevention of Pollution from Ships) Amendment Bill.

The following amendments were made on the Transport Appeals Tribunal Amendment Bill;

CLAUSE 4

1. On page 3, from line 36, to omit subsection (1) and to substitute the following subsection (1):

“(1) The Tribunal will sit on such days and the duration and at such a place as the Director-General may determine after consultation with the chairperson of the Tribunal.”

CLAUSE 6

1. On page 4, in line 42, after “a”, to insert, “decision or”.

CLAUSE 7

1. On page 5, in line 16, after “appellant”, to insert “, except where the respondent makes an application to oppose the automatic suspension immediately after such decision or ruling is made by the chairperson of the Tribunal”.

CLAUSE 9

1. On page 6, from line 5, omit subsection (1), to substitute the following subsection (1)

“(1) The Director-General must, after consultation with the chairperson of the Tribunal, designate such officers in the Department of Transport as may be necessary to perform administrative and secretarial work or investigations required by the Tribunal.”

CLAUSE 13

1. On page 6, in line 42, omit “2020”, to substitute “2024”.

LONG TITLE

1. On page 2, in line 7 of the Long Title, after “its”, to insert “decisions or”.

5. Recommendation

Having considered the amendments made on the Transport Appeals Tribunal Amendment Bill, 2020, the amendments are not substantive and are meant to strengthen the Bill are to supported. All provinces supported the Bill. There were no amendments to the Marine Pollution(Prevention of Pollution from Ships) Amendment Bill. The Bill is supported.

The Portfolio Committee on Transport therefore recommends that the permanent delegate to the NCOP be conferred with authority to vote in favour of both Bills.



HON X. MALAMLELA (MPL)
CHAIRPERSON: PORTFOLIO COMMITTEE ON TRANSPORT

13 May 2024

DATE