



REPORT OF THE PORTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS AND TRANSPORT, COMMUNITY SAFETY, SECURITY AND LIAISON. TRANSPORT APPEAL TRIBUNAL AMENDMENT BILL [B8D-2020]

1. INTRODUCTION.

The Speaker of the Mpumalanga Provincial Legislature (“the Legislature”) referred Transport Appeal Tribunal Amendment Bill [B8D-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. Furthermore, 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 Transport Appeal Tribunal Act, 1998, to insert, delete and amend certain definitions;
- To bring the Act in line with the developments since the enactment of the Act; to provide for certain powers of the Transport Appeal Tribunal;
- To allow the Minister to extend the term of office of the members of the Tribunal;
- To empower the Transport Appeal Tribunal;
- To take appropriate steps in cases where its rulings are not implemented or effected timeously and empower it;
- To investigate delays in the completion of its proceedings; and

- To provide for matters connected therewith.

3. BACKGROUND.

- Restricting The Transport Appeal Tribunal Act 39 of 1998 (“the Principal Act”), was passed in 1998 to create the Transport Appeal Tribunal (“TAT”).
- The TAT deals with appeals relating to applications for operating licences (OLs) under the National Land Transport Act No. 05 of 2009 (NLTA).
- These appeals are from “Acts, Directions or Decisions” of the National Public Transport Regulator (NPTR), the Provincial Regulatory Entities (PREs) and Municipal Regulatory Entities (MREs). No MREs have been established yet.
- The TAT also deals with appeals relating to cross-border permits under the Cross-Border Road Transport Act No. 4 of 1998.
- Prior to the establishment of the TAT, the National Transport Commission dealt with these appeals.

4. MAIN REASONS FOR THE AMENDMENT BILL.

- Since its establishment, the TAT has encountered a number of problems and issues which require amendments to the Principal Act.
- The Principal Act also requires updating in respect of developments since 1998.
- There are also some technical issues that need amendment of the Act.
- These problems and issues are addressed in the TAT Amendment Bill (Amendment Bill), [B8D-2020].
- Consequential amendments are also made.

5. METHOD OF WORK.

The Committee was briefed on the Bill by the National Council of Provinces (NCOP) permanent delegate, Hon H Boshoff on Thursday, 19 October 2023. Public Education sessions were conducted regarding the Bill prior all Public Hearings. 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 January and February 2024.

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, Bushbuckridge News, Thaba Chweu News, Khanyisa News, Highvelder, which are the major newspapers circulating in the province.

Public Hearings were conducted as follows:

DATE	VENUES	TIME
Thursday, 01 February 2024	Gert Sibande District - Dipaliseng Local Municipality, Siyathemba Community Hall.	10:00 – 13:00
Thursday, 08 February 2024	Nkangala District – Dr JS Local Municipality, Pankop Community Hall.	10:00 – 13:00
Thursday, 15 February 2024	Ehlanzeni District – Bushbuckridge Local Municipality, Mkhuhlu Community Hall.	10:00 – 13:00

The Committee thereafter met on 12 March 2024 to consider the Bill and inputs from the stakeholders and members of the public. A draft Committee report was produced together with a Negotiating Mandate, wherefore the Committee voted in favour of the Bill, for submission to the National Council of Provinces (NCOP), in line with the Mandating Procedures of Provinces Act 52 of 2008 and the Rules and Orders of the Mpumalanga Provincial Legislature.

The Transport Appeal Tribunal Amendment Bill was initially introduced as Bill number [B8B-2020], after conducting Public Hearings, provincial mandates were considered and the C- list was produced reflecting the amendments made. Subsequently, the Bill changed from [B8B-2020] to [B8D-2020]. The Committee met on Tuesday, 14 May 2024 to consider the Transport Appeal Tribunal Amendment Bill [B8D-2020] and to confer a Final Mandate.

6. 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 further mentioned that the State Law Advisers and the Department are also of the opinion that it is not necessary to refer this Bill to the National House of Traditional Leaders in terms of section 18(1)(a) of the Traditional Leadership and Governance Framework Act, 2003 (Act No.

41 of 2003), 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).

7. INSTITUTIONS CONSULTED ON THE BILL FOR COMMENTS:-

The Department of Cooperative Governance and Traditional Affairs (COGTA); Department of Public Works, Roads and Transport; Department of Economic Development and Tourism; Transnet; The Cross-Border Road Transport Agency; Bus Operators' Association; Metered Taxi industry and Electronic Hailing Operators; SANTACO Mpumalanga; Local Taxi Associations; Small Bus Operators' Association; South African Local Government Association (SALGA); Nkangala, Ehlanzeni, and Gert Sibande District Municipalities; Mpumalanga Economic Growth Agency (MEGA).

8. 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 Department of Public Works, Roads and Legal Services Section of the Legislature also responded to questions of clarity raised after the Bill was presented.

8.1 Inputs by Department of Public Works, Roads and Transport.

- The National Department must ensure that neighbouring Countries are well informed about the Bill in assisting law enforcement officers that are stationed on the roads, furthermore, assist Provinces and Municipalities on decision making and dealing with the inconvenience caused on the roads.
- The Bill will be able to assist individuals during the appeal and to speed up processes during the application of permits.
- Provinces should provide awareness to campaigns regarding the application processes so that individuals are made aware of the necessary steps to follow during the application process.
- The Department of Public Works, Roads and Transport voted in favour of the Bill.

8.2 Inputs by Gert Sibande District – Dipaliseng Local Municipality.

- The Bill must be able to curb corruption, illegal acts and challenges on matters relating to acquiring permits.
- There must be constant awareness campaigns and feedback sessions after the bill has been signed and tabled.
- The Bill must also be able to recognise Scholar Transport that is not subsidised by government as well as the Metre Taxi industry, furthermore, provide permits to Taxi Associations for the ability to cross, to other provinces.
- The Bill must give powers to District Municipalities thus be able to issue permits and further protect scholar transport from the abuse of Taxi Associations within Municipalities.
- Dipaliseng Local Municipality voted in favour of the Bill.

8.3 Inputs by Nkangala District – Dr JS Moroka Local Municipality.

- The Bill must be able to assist Provinces and strengthen Law Enforcement to succeed in prohibiting Taxi Association that are harvesting revenue in other Provinces unlawfully and furthermore, give powers to restrain buses operating, however, not roadworthy.
- The Bill should have/give clear time frames regarding application (permits) processes.
- There must be adequate consultation processes within Provinces regarding Bills, from the National Department, Provincial and Municipalities.
- There must be an establishment of MERs in all Municipalities and proper consultations should be conducted subsequently.
- There are constant payments on permits yet there is no improvement on road infrastructure, that is continuously dilapidating.
- Dr JS Local Municipality voted in favor of the Bill.

8.4 Inputs by Ehlanzeni District– Bushbuckridge Local Municipality.

- The Bill must be able to curb conflicts and give fair guidance to Taxi Association regarding permits as well as clear guidance on matters relating to the e-Hailing Services that are currently operating on special permits.
- The Bill should include the extension of operating hours during and after hours particularly during holidays and festive season.
- The Bill should be able to assist/guide Charter Services/e-Hailing, for them to be able to form/belong under a particular Association.

- Bushbuckridge Local Municipality voted in favour of the Bill.

9. OBSERVATIONS AND FINDINGS BY THE COMMITTEE.

- Public education sessions were conducted regarding the Bills prior to the Public Hearings.
- Oral submissions that were made by stakeholders and members of the public were considered accordingly.
- Other oral submissions that did 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.
- Stakeholders and members of the public who were present in all three Districts during the public hearings generally supported the Bill.

10. 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 **Transport Appeal Tribunal Amendment Bill [B8D-2020]** without any proposed amendments.

11. 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 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 entire procedure.



HON N MAHLANGU

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

14 May 2024

DATE