

REPORT OF THE SELECT COMMITTEE ON TRANSPORT, PUBLIC SERVICE AND ADMINISTRATION, PUBLIC WORKS AND INFRASTRUCTURE ON ITS ACTIVITIES UNDERTAKEN DURING THE 6TH PARLIAMENT (MAY 2019 – MAY 2024)

KEY HIGHLIGHTS

1. Select Committee Focus Areas During the 6th Parliament

Parliamentary committees are mandated to process and pass legislation and facilitate public participation in Parliament relating to issues of oversight and legislation. They must further monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met. Against this criteria, the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure (“the Select Committee”) has met the objectives of its oversight programme as will be elaborated below, although some matters remain for further consideration.

The Select Committee portfolio includes the following:

- The Department of Transport and its entities
- The Department of Public Works and Infrastructure and its Entities
- The Department of Public Service and Administration together with the Centre of Public Service Innovation and the National School of Government.
- The Department of Planning, Monitoring and Evaluation
- The Public Service Commission

The five Strategic Priorities of the 6th parliament were as follows:

- Improving the quality of life;
- Increasing the pace of service delivery;
- Greater responsiveness and accountability;
- Stronger oversight; and
- A more effective budgeting process (Improved oversight of Money Bills and legislation)

The above Strategic Priorities ties directly to the mandate of the departments and public entities which fall within the portfolio of the Select Committee. The Departments of Transport and Public Works and Infrastructure respectively are responsible for ensuring the provision of social and economic infrastructure without which communities cannot have quality of life. The Departments of Public Service and Administration and Planning, Monitoring and Evaluation, respectively, are entrusted with ensuring a developmental and capable State that can increase the pace of service delivery. This includes fostering an accountable state, where responsiveness is evident in planning and budgetary allocations.

During the term, the Select Committee requested the departments and entities within its portfolio to brief it on various matters, informed by, amongst other, the annual State of the Nation Address, strategic, planning and budgeting documentation, national policies and occurrences prevailing at a particular time. The focus areas have included, amongst other:

- The National Development Plan

- Accommodation for Government Departments and Entities
- SMART Cities
- Deteriorated Rail Network and Road Infrastructure
- Integrated Public Transport Networks
- A Capable Developmental State
- Responding Prevailing Occurrences – July 2021 Unrest and COVID 19 Epidemic
- The processing of priority legislation including the Expropriation Bill [B23D – 2020], Economic Regulation of Transport Bill [B1B – 2020] and Railway Safety Bill [B7B—2021]

The focus areas also found expression in the International Study Tour undertaken to Germany and oversight visits undertaken to the Gauteng, Western Cape and Northern Cape provinces during the term.

2. Key Areas for Future work

The key areas for future work emanate from matters the Select Committee identified its term that require a longer period to implement (e.g. the potential rationalisation of government departments and entities), represent persistent systematic challenges (e.g. the governance and financial challenges experienced at the Road Accident Fund) or which have emerged in the latter part of the Select Committee's term. These areas include, amongst others:

- Establishment of the Single Transport Economic Regulator (STER)
- Keeping track of forthcoming legislation including a Planning Framework Bill, Infrastructure Development Amendment Act, National Rail Bill and Public Service Commission Amendment Bill
- Maintaining oversight in respect of implementing the recommendations of the State Capture Report.

The following key challenges remain and which ought to be included into the Key Areas for Future Work of the 7th Parliament and which will be discussed further in the report.

- Slow progress toward the attainment of the National Development Plan outcomes.
- The production of digital driver's license.
- Increasing the targeted percentage of road to rail migration of freight.
- Increasing occupancy at the Telkom Towers.
- Improving monitoring of the Expanded Public Works Programme (ePWP).
- Improving the functionality of the Parliamentary Villages Board.
- A co-ordinated approach to respond to local business forums extorting government and private participants in infrastructure projects.
- A systematic approach to unlawfully occupied buildings, particularly state-owned buildings.
- Delays in the precautionary suspension and disciplinary hearings in the Public Sector.
- Improving the safety on the road and rail network.
- Verification of the localisation component of the Gibela Manufacturing and Supply Agreement.

- Slow progress in reviving priority rail corridors.

3. Recommendations

The Committee proposes the following recommendations:

- 3.1. In engagements with the Public Service Commission, the Commission Chairperson stated that engagements have been held with the Speaker of Parliament on increasing the supporting role that the Commission can play in the oversight ecosystem. This should involve the Commission engaging with the various Parliamentary Committees that have oversight over the Departments in respect of the which the Commission have undertaken assessments, and not limited to Committees with oversight over the Department of Public Service and Administration. The 7th Parliament ought to implement this approach to engaging with the PSC.
- 3.2. As acknowledged in the Accountability and Oversight Model, it is desirable for legislatures to develop conducive working ties with specialist bodies such as academic institutions. This will allow members to access the most recent developments in their portfolios and to be on equal footing with departments and stakeholders when engaging in its oversight responsibilities. To this end the select Committee convened a workshop ahead of the process for it to consider the Expropriation Bill [B23B—2020](S76). The workshop was hosted by Prof. Hanri Mostert from the University of Cape Town Department of Private Law and covered key property law concepts, how expropriation law has been drafted internationally and an overview of existing legislation in South Africa that makes provision for expropriation. Furthermore, during its 2023 oversight visit to Germany, the Select Committee engaged with the City Science Lab at Hafencity University as well as the United Nations Innovation Technology Accelerator for Cities on the application of researcher developed tools for infrastructure planning and stakeholder engagement. This trend should continue under the 7th administration.
- 3.3. The consideration of the Expropriation Bill [B23D – 2020] was delayed as a result of the Supply Chain Management process that had to be followed in appointing a Service Provider to complete the type setting and production of the C and D versions of the Bill. The SCM approach of obtaining quotations had to be followed because the contract with the previously Service Provider had come to an end. It is necessary to implement risk management measures to ensure that transitional measures are in place to mitigate risks when contracts that have a direct bearing on the work of the Select Committee are due to come to an end.
- 3.4. Committees should not limit itself to oversight over the programmatic planning, budgeting and reporting documents such as the Medium-Term Strategic Framework, Strategic Plan and Annual Report of departments and entities. Supported by the Committee Content Advisor and Researcher, member should also identify matters that directly affect communities which may not be reflected in the planning, budgeting and reporting documents of departments and entities.
- 3.5. Frequent management meetings should be held at which emerging oversight needs can be discussed and incorporated into the Select Committee's programme so that the Select Committee can be responsive to prevailing occurrences such as the current challenges in the provision of safe scholar transport.
- 3.6. In the configuration of Select Committee portfolio's, the preference should be to allow members to focus on a specialised cluster, rather than straddling across clusters.

3.7. The system tracking member attendance should be reconfigured as it currently lists alternate members as absent even where the permanent member is in attendance and no alternate it necessary.

1. INTRODUCTION

The purpose of this report is to provide an account of the Select Committee activities during the 6th Parliament and to inform the members of the new Parliament of key outstanding issues pertaining to the oversight and legislative programme of the Departments and entities falling within the Select Committee's portfolio. Parliamentary committees are mandated to process and pass legislation and facilitate public participation in Parliament relating to issues of oversight and legislation. They must further monitor the financial and non-financial performance of government departments and their entities to ensure that national objectives are met.

This report provides an overview of the activities the Select Committee undertook during the 6th Parliament, the outcome of key activities, any challenges that emerged during the period under review and issues that should be considered for follow - up during the 7th Parliament. It further summarises and concludes with recommendations to strengthen operational and procedural processes to enhance the Select Committee's oversight and legislative roles in future.

The mandate of Parliament derives from the Constitution of the Republic of South Africa, 1996 ("the Constitution"), establishing Parliament and setting out the functions it performs. Parliament's role and outcomes are to represent the people and ensure government by the people under the Constitution, as well as to represent the provinces and local government in the national sphere of government. The five Strategic Priorities of the 6th parliament were as follows:

- Improving the quality of life;
- Increasing the pace of service delivery;
- Greater responsiveness and accountability;
- Stronger oversight; and
- A more effective budget process (Improved oversight of Money Bills and legislation)

The above Strategic Priorities ties directly to the mandate of the departments and public entities which fall within the portfolio of the Select Committee. The Departments of Transport and Public Works and Infrastructure respectively are responsible for ensuring the provision of social and economic infrastructure without which communities cannot have quality of life. The Departments of Public Service and Administration and Planning, Monitoring and Evaluation, respectively, are entrusted with ensuring a developmental and capable State that can increase the pace of service delivery. This includes fostering an accountable state, where responsiveness is evident in planning and budgetary allocations.

1.1 Department/s and Entities falling within the Select Committee's Portfolio

The Schedules to the Constitution sets out the exclusive and concurrent functions across the National, Provincial and Local spheres of government in relation to the mandate of the departments and entities that fall within the Select Committee's portfolio.

a) Department of Transport (DOT)

The Department is responsible for conducting sector research, formulating legislation and policies to set sector wide strategic direction. DOT further assigns responsibilities to public entities and other levels of government, regulating through setting norms and standards and monitoring implementation. The implementation of transport functions at the national level takes place through public entities that are overseen by the DOT.

b) Department of Public Works and Infrastructure (DPWI)

The Department is responsible for policy formulation, coordination, regulation and oversight relating to the provision of accommodation and built environment expertise to national department client departments. Through the Property Management Trading Entity (PMTE), DPWI undertakes planning, acquisition, management, and disposal of immovable assets in its property portfolio. The Mandate also extends to the expropriation of land as contemplated in Section 25 of the Constitution.

c) Department of Public Service and Administration (DPSA)

The Department's mandate is related to the attainment of the principles of Public Administration as enshrined in Section 195(1) of the Constitution. These are, amongst other, the promotion and attainment of a high standard of professional ethics and an accountable public administration. This mandate may be understood by way of the Public Service Act, 1994 (which empowers the Minister to establish norms and standards) and the Public Administration Management Act, 11 of 2014, which is aimed at establishing a framework that creates a unified system of public administration.

d) Department of Planning, Monitoring and Evaluation (DPME)

Oversight in respect of the Department of Planning, Monitoring and Evaluation (DPME) was added to the Select Committee's portfolio during 2022. The Department's mandate includes the institutionalisation of planning, monitoring the implementation of the National Development Plan and Medium - Term Strategic Framework, evaluating critical government programmes and undertaking interventions on behalf of Cabinet and the President.

e) Public Service Commission (PSC)

The PSC is empowered and mandated by Section 196 of the Constitution, to monitor and evaluate the organisation and administration of the public service, enhance accountability and ethics in public administration and it plays a significant role in dispute resolution. It is also mandated to monitor and evaluate the organisation and administration of the public service, enhance accountability and ethics in public administration and to play a significant role in dispute resolution.

The Select Committee had in 2022 requested the Parliament Constitutional and Legal Office to provide a legal opinion on the Committee's oversight in respect of the Public Service Commission in light of Section 196(5) of the Constitution which stipulates that the PSC is accountable to the National Assembly. Informed by the legal advice and having been satisfied that the NCOP has such an oversight role to play the Select Committee has considered the Strategic Planning, Reporting, Budgetary and non – financial information of the PSC as part of its oversight programme.

f) **Entities:**

Department of Transport

Name of Entity	Role of Entity
Airports Company South Africa (ACSA)	ACSA is mandated to undertake the acquisition, establishment, development, provision, maintenance, management, operation and control of any airport, any part of any airport, or any facility or service at any airport normally related to an airport function.
Ports Regulator of South Africa	The Regulator's key function is economic regulation of the ports system in South Africa, in line with the strategic development context of the state. In accordance with this mandate, the Regulator performs certain functions and activities in the industry that relate mainly to regulation of pricing and other aspects of economic regulation, promotion of equity of access to ports facilities and services, monitoring the industry's compliance with the regulatory framework and also hearing any complaints and appeals lodged with it.
Road Traffic Management Corporation (RTMC)	The RTMC is the independent adjudicator or arbiter of traffic infringements and fines issued under the Administrative Adjudication of Road Traffic Offences (AARTO) Act, 46 of 1998. This is done through ensuring that traffic fines are decriminalised and dealt with through the administrative justice process.
South African Civil Aviation Authority (SACA)	SACA is mandated with controlling, promoting, regulating, supporting, developing, enforcing, and continuously improving levels of safety and security throughout the civil aviation industry. The above is achieved by complying with the Standards and Recommended Practices (SARPs) of the International Civil Aviation Organization (ICAO), while considering the local context.
Air Traffic and Navigation Services (ATNS)	ATNS provides air traffic, navigation, training and associated services within South Africa and a large part of the Southern Indian and Atlantic Ocean, comprising approximately 6% of the world's airspace.
Passenger Rail Agency of South Africa (PRASA)	PRASA is responsible for ensuring that, at the request of the Department of Transport, rail commuter services, long haul passenger rail services and bus services are provided for within, to and from the Republic in the public interest.
Road Traffic Infringement Agency (RTIA)	The RTIA is empowered to administer a procedure to discourage the contravention of road traffic laws and to support the adjudication of infringements, to enforce penalties imposed against persons contravening road traffic laws and to provide specialised prosecution support services
South African Roads Agency Limited (SANRAL)	SANRAL is responsible for financing, planning, designing, constructing, operating, maintaining and rehabilitating South Africa's national roads.
Cross Border Road Transport Agency (CRBTA)	The CBRT is responsible for improving the unimpeded flow of freight and commuters across the Southern African Development Community (SADC) region, introducing regulated competition in respect of cross-border passenger road transport and reducing operational constraints for the cross-border road transport industry as a whole. Its focus is to empower the cross-border road transport industry by improving the safety, security, reliability, quality and efficiency of services.
Road Accident Fund (RAF)	The RAF is responsible for providing appropriate cover to all road users within the borders of South Africa; rehabilitating and compensating persons injured as a result of motor vehicles in a

Name of Entity	Role of Entity
	timely and caring manner; and actively promoting the safe use of all South African roads.
Railway Safety Regulator	In order to operate on the South African rail network, train operators must apply to the RSR for a safety permit, demonstrating that they meet prescribed operational requirements.
South African Marine Safety Authority (SAMA)	The objectives SAMA are to ensure safety of life and property at sea, to prevent and combat pollution from ships in the marine environment; and to promote the Republic's maritime interests.

Department of Public Service and Administration

The DPSA does not have public entities reporting to it and only transfers funds to the Centre for Public Service Innovation (CPSI) which reports directly to the Minister for Public Service and Administration. The National School of Government (NSG) further also reports directly to the Minister for Public Service and Administration and is classified as a department in terms of the Public Service Act, 1994.

Name of Institution	Role of Institution
Centre for Public Service Innovation (CPSI)	The CPSI is mandated to contribute to the improvement, effectiveness and efficiency of the public service and its service delivery to the public.
National School of Government (NSG)	The NSG is mandated to provide or facilitate the provision of training to public servants.

Department of Public Works and Infrastructure

Name of Entity	Role of Entity
Agrément South Africa (ASA)	ASA provides assurance to specifiers and users of the fitness-for-purpose of non-standardised construction related products or systems. It also aims to be an impartial and internationally acknowledged South African centre for the assessment and confirmation of fitness-for-purpose of non-standardised construction related products or systems.
Independent Development Trust (IDT)	The IDT is mandated to support all spheres of government with social infrastructure management and programme implementation.
Construction Industry Development Board (CIDB)	The role of the CIDB is to facilitate and promote the improved contribution of the construction industry to SA's economy and society. Amongst others, the CIDB promotes uniformity in construction procurement, efficient and effective infrastructure delivery, construction industry performance improvement and Industry transformation and skills development.
Council for the Built Environment (CBE)	The CBE is mandated to, amongst other promote and protect the interest of the public in the built environment, promote ongoing human resources development in the built environment, promote appropriate standards of health, safety and environmental protection within the built environment. It further promotes sound governance of the built environment professions and serve as a forum where the built environment professions may discuss the relevant.

2. KEY STATISTICS

The table below provides an overview of the number of meetings held, legislation and international agreements processed and the number of oversight trips and study tours undertaken by the committee, as well as any statutory appointments the committee made, during the 6th Parliament:

Activity	2019	2020	2021	2022	2023	2024	Total
Meetings held	10	18	22	21	22	13	106
Legislation processed	0	2	1	0	3	4	10
Oversight trips undertaken	1	0	1	1	0	0	3
Study tours undertaken	0	0	0	0	1	0	1
International agreements processed	0	0	0	1	0	1	2
Statutory appointments made	0	0	0	0	0	0	0
Interventions considered	0	0	0	0	0	0	0
Petitions considered	0	0	0	0	0	0	0

3. BRIEFINGS TO THE SELECT COMMITTEE

a) Committee Areas of Focus

During the term, the Select Committee requested the departments and entities within its portfolio to brief it on various matters, informed by, amongst other, the annual State of the Nation Address, strategic, planning and budgeting documentation, national policies and occurrences prevailing at a particular time. In receiving such briefings, the Select Committee played its oversight role by, amongst other:

- i. Identifying governance deficiencies – such as vacancies in executive and senior management positions in departments and entities and deficiencies in the internal supply chain management controls.
- ii. Determining the status of policy, programme and project implementation – such as the implementation of the CIDB Job Funds project and the Airports Company South Africa (ACSA) airport refurbishment and renovation program.
- iii. Questioning resource allocation across department and entity programmes as well as geographic locations – motivating why certain provinces should not continually be prioritised for department projects and why rural areas should not be neglected.
- iv. Determining whether consequence management is followed to ensure that fruitless, wasteful and unauthorised expenditure is reduced and recovered and whether implicated persons are faced with expeditious disciplinary proceedings.
- v. Identifying areas where inter – government relations needed to be strengthened – such as when municipalities required support in meeting the National Treasury admission requirements for the Integrated Public Transport Network Grant.

Through the term, the oversight work of the Select Committee retained focus on several areas, the most pertinent of these being discussed below.

National Development Plan

The National Development Plan, 2023 (NDP) contains a number of objectives related to the Select Committee's portfolio. In respect of Economic Infrastructure, access to public transport is recognised as being foundational to social and economic development. An overarching objective is that South Africa needs to build a state that is capable of playing a developmental and transformative role. The Select Committee invited the National Planning Committee to brief the Committee on its Ten – Year review of the NDP. The Assessment Focus Areas according to which the review was undertaken are Economy, Social and Governance. The underlying measurement criteria remained the three overarching challenges that the NDP had identified namely inequality, unemployment, and poverty. In the Minister's forward to the review it is acknowledged that these challenges remain and have in some cases worsened. The summary of the attainment of the NDP core targets are tabulated on this page.

NDP target	Baseline	Target	2018	2021	2022
	2012	2030	Actual	Actual	Actual
GDP growth (average)	3.3% (2011)	5.4%	0.8%	0.9%	1.1%
Reduce income inequality (Gini income measure)	0.69 (2009)	0.60	0.69	0.69	
Eliminate poverty below LBPL	36.4% (2011)		21.7%		
Investment (gross fixed capital formation) as a percentage of GDP	19.3% (2010)	30%	18.2%	13.1%	14.1%
Public sector (state- and state-owned entities) investment as a percentage of GDP	6.8%	10%	5.7%	4.1%	
Labour force participation rate	55.4%	56.6%	59.3	58.6%	59.4%
Reduce unemployment (%)	25.4%	6%	27.7%	33.9%	32.9%
Employment (million)	13.65 million	24 million	16.2 million	15.6 million	16.1 million
Employment ratio (employment/working age population)	41.3%	61%	43.3%	38.7%	39.9%

Source: NPC. 2023. Ten – Year Review of the National Development Plan. Pg 4.

The Select Committee has appealed to the Department of Planning, Monitoring and Evaluation that in undertaking annual reviews of the Annual Performance Plans of departments and entities, it should express itself on whether the targets set are responsive to the need to accelerate the attainment of the NDP targets.

Accommodation for Government Departments and Entities

The most recent information¹ presented by the Property Management Trading entity (PMTE) was that 5 180 state-owned buildings was categorised as poor and 1 628 state-owned buildings were classified as very poor. In its engagements with departments, the Select Committee has seen the practical implications of the conditions of state-owned buildings. The Public Service Commission had directly appealed to the Select Committee that it does not have suitable accommodation at its various provincial offices. It was also against this backdrop that the Select Committee, during its consideration of the 2022/23 Annual Report on the DPWI questioned the Department on the purchase of Telkom Towers at the cost of R694 million in 2016 whereas to date only one of the nine buildings forming part of the complex had. Further, it is evident that the delay on the part of Organs of State in paying outstanding debts affects the financial viability of the PMTE.

The PMTE reported that the AG's disclaimer of opinion was a result of the fact that the Immovable Asset Register was submitted late and the AG could not undertake the reconciliation necessary for the audit. The Department has since engaged with the South Africa Police Services (SAPS) to ensure that going forward, information on completed projects are provided to the Department timeously so that the Department can in turn update the Immovable Asset Register timeously. The Department has also engaged with the Department of Agriculture and Rural Development Deeds Office to ensure that the Deeds Office records can be reconciled with the Asset Register timeously.

SMART Cities

DPWI plays a significant role in the planning and development of SMART cities and such developments take into consideration the SMART city principles of ease of movement, safety, multi – use, green buildings and work - life balance. This role includes serving on the steering committee that identifies solutions to challenges such as those faced in the Mooikloof Mega City Project in Pretoria where the investment commitment has been made but in the east of the capital city of Tshwane there is a lack of bulk services. The Department had reported that the precinct plan for Salvokop Government Precinct has been completed and servicing of the land and installation of access roads was underway. The Department is in the process of contracting with client Departments to be housed in the precinct. The Select Committee recommended that the Department explore the use of catalytic funding to unlock the development of SMART cities such as Mooikloof Mega City Project in Pretoria, the Nkosi City adjacent to Kruger National Park, Durban Aerotropolis and the Lanseria Smart City in the Gauteng West Rand. Through the National Treasury innovation of allowing National and Provincial Departments to spend MTEF outer year allocations, such catalytic funding is available. Further, during the Select Committee International Study Tour to Germany, the Select Committee held an engagement with the United Nations Innovation Technology Accelerator for Cities (UNITAC-Hamburg) which is a collaboration between UN-Habitat, the UN Office for Information Communication and Technology and HafenCity University. UNITAC Hamburg is part of the "People-Centred Smart Cities" Flagship program of UN-Habitat, which provides strategic and technical support to national, regional and local governments.

Deteriorated Rail Network and Road Infrastructure

In its engagements with PRASA, the Select Committee as a standing item requested progress on the refurbishment of the identified priority corridors. Specific attention was paid to the Central Line in Cape Town in the Western Cape where more than 1200 households had settled on the railway line. In its most recent appearance before the Select Committee, PRASA reported that the households had been relocated, paving the way for the line to become operational again. During the consideration of 2021/22 Annual Report the Select Committee noted with concern that PRASA could only achieve 19% of its Key Performance Indicators. For example, instead of the planned target of 44 new trains sets provisionally accepted, only 33 were accepted and of the 43 planned national station improvement and upgrade projects, only 7 were completed. PRASA

¹ During the consideration of the 2021/22 Department of Public Works and Infrastructure Annual Report.

attributed the underperformance to a number of factors including the impact of COVID - 19 restrictions, delays in Supply Chain Management (SCM) processes and unavailability of key components required for manufacturing. The trend unfortunately continued and in its most recent appearance before the Select Committee, the Deputy Minister acknowledged that the targets that were not attained related to services that directly impact on people's lives.

It has also become evident that not all provinces have the financial resources to maintain its Provincial Roads and for this reason provinces ought to be encouraged to engage with SANRAL in respect of the transfer of strategic provincial roads to SANRAL. The maintenance of Rural Roads and roads in Towns and Townships require particular attention and is best addressed through collaborative engagement with all three spheres of government, together with the South African Local Government Association (SALGA).

Integrated Public Transport Networks

The Department of Transport has reported that delays in the implementation of Integrated Public Transport Networks (IPTN) at the municipal level are a result of protracted consultation with Taxi Operators in respect of the establishment of Vehicle Operating Companies. The Select Committee appealed to the Minister to ensure that municipalities are assisted in meeting the National Treasury admission criteria so as to regain entry to the IPTN grant programme. At the commencement of the programme, the Committee also suggested that the annual national Ministerial-Mayor-MEC IPTN forum should meet quarterly and not once per year. The Select Committee also included IPTN infrastructures into its oversight visits.

The role of the taxi industry in transporting communities must also be considered. The deadline of January 2023 for the scrapping of illegally converted panel vans was not met. The Department of Transport has indicated that it is consulting with the Taxi Industry on its intention to set a date in 2025 as the revised cut-off date for the scrapping of illegally converted panel vans and unsafe taxis. A large portion (approximately 40 000) of the taxi's initially identified for the recapitalisation project were not operated with valid operating license, which is a requirement for recapitalisation. In respect of the operations of the Taxi Industry, there however appears to be no comprehensive approach to addressing persistent violence and unlawfulness in the Taxi Industry. In various provinces, communities have on various occasions been left stranded without access to education, economic activity and government services as a result of Taxi Industry disruptions, protests, road blocks, violence and the intimidation of bus service operators.

A Capable Developmental State

Section 195 of the Constitution binds the Public Sector to certain values, amongst these being a high standard of professional ethics, the efficient, economic and effective use of resources and personnel management practices based on ability, objectivity, fairness. With such a shared ethos it should be unthinkable for public servants to interrupt or compromise access to critical government services such as hospitals during times of labour disputes such as with the March 2023 public sector worker's strike. The Select Committee appeals to both employees and employers to rely on legislated labour relations platforms and recognised forms of resolving labour relations disputes.

The Select Committee welcomed the release of the National Framework towards the Professionalisation of the Public Service which covers the professionalisation value chain ranging from recruitment and select to career progression, succession planning and management of the career incidence of heads of department. DPSA has already briefed the Committee on the regulations that have been drafted to give effect to the Framework. In 2022, the Department indicated that it had launched the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit (PA-EID-TAU) which was established to improve ethical and anti-corruption policy, strengthen ethical infrastructure, discipline management and synchronisation of all three levels of public administration. The Committee has during various engagements appealed to the DPSA that the Unit should be sufficiently capacitated with specialised skills and should operate in a conducive management structure.

Responding Prevailing Occurrences – July 2021 Unrest and COVID 19 Epidemic

The term under review witnessed unprecedented occurrences in the South African democratic history. This included the 2020 outbreak of the COVID 19 Epidemic, the declaration of a National State of Disaster and the subsequent promulgation of regulations to curb the spread of the virus. Following the declaration, a joint meeting was convened between the Select Committee and the Portfolio Committee on Public Works and Infrastructure. The focus of the meeting was on , amongst other, the use of state owned facilities as quarantine centres and the deployment of EPWP workers to assist with quarantine sites. Another noteworthy event was the public violence, destruction of property and looting that took place during the July 2021 unrest in parts of the Gauteng and KwaZulu – Natal provinces. The Committee in response requested the Minister of Transport to address in on the impact that the unrest had on the transport Sector. The unrest included destruction of economic infrastructure, people blocking roads and setting alight of freight trucks. It was estimated that over 40 trucks were damaged at an estimated cost of between R250 and R300 million. The Minister provided an overview of the impact on, amongst other, Ports, Public Transport Infrastructure, Service Centres and PRASA and also set out the Department of Transport recovery plan. The Committee sought and was provided further information on budget re-prioritisation within Departments to ensure that the recovery plan could be implemented.

Severe flooding had affected various provinces in the Country during 18 April 2022 a national state of disaster was declared because of the magnitude and severity of the flooding. Although the damage was related to the portfolio of the Select Committee, Parliament had established the Ad Hoc Joint Committee on Flood Disaster Relief and Recovery to maintain oversight in respect of the damage caused and the implementation of response plans.

4. Legislation

The following pieces of legislation were referred to the committee and processed during the 6th Parliament:

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
2020	Air Traffic and Navigation Services Company Amendment Bill [B6B – 2018]	75	To amend the Air Traffic and Navigation Services Company Act, 1993, so as to insert new definitions; to provide for a subsidiary to perform functions inside and outside of the Republic; to provide for appeals against the decisions of the Committee; to provide for offences and penalties; to substitute certain expressions, citations and words; and to provide for matters connected therewith.	Yes
	Airports Company Amendment Bill [B5B – 2018]	75	To amend the Airports Company Act, 1993, so as to insert and amend certain definitions; to substitute certain expressions; to provide for the appointment and disqualification of members of the Committee; to provide for the vacation of office of members of the Committee; to provide for meetings of the Committee; to amend the period for the issuing of a permission; to provide for decisions of the Committee; to provide for the establishment of the Appeal Committee; to provide for appeals against the decisions of the Committee; to provide for the appointment and disqualification of members of the Appeal	Yes

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			Committee; to provide for the vacation of office of members of the Appeal Committee; to provide for offences; and to provide for matters connected therewith.	
2021	Civil Aviation Amendment Bill [B44B-2018]	75	To amend the Civil Aviation Act, 2009, so as to amend existing, and insert new, definitions; to rectify references to certain Ministries and Government Departments; to amend Chapter 4 of the Act so as to make provision for the operational independence of aircraft accident and incident investigation; to rectify the provision regarding the establishment of the South African Civil Aviation Authority; to give the South African Civil Aviation Authority environmental protection oversight function; to make provision for the Civil Aviation Authority as a preferential creditor in respect of any money, fees, charges or levies collected on its behalf; to do away with the requirement for the development of a corporate governance plan; to make provision for an employee of the Department to be a member of the Civil Aviation Authority Board; to amend the provisions relating to the appointment and removal of the Commissioner for Civil Aviation and matters related to his other functions and responsibilities; to amend the provisions relating to the performance agreement between the Minister and the Aviation Safety Investigation Board; to clarify the provisions dealing with conflict of interest; to provide for the designation of the Chairperson of the National Aviation Security Committee and matters connected with the operations of the Committee; to delete the provisions dealing with compliance notices; to amend the provisions dealing with appeals; to authorise the Minister to issue exemptions and to prescribe additional offences and additional enforcement mechanisms; to extend the powers of the Minister to make regulations; to move the procedures for the establishment of consultative structures to the regulations; and to provide for matters connected therewith.	Yes
2023	National Road Traffic Amendment Bill [B7D-2020]	76	The Bill seeks to amend the National Road Traffic Act, 1996, so as to, amongst other, insert new definitions and to amend others; to provide for the suspension and cancellation of the registration of an examiner for driving licences or an examiner of vehicles, if such person has been convicted of an offence listed in Schedule 1 or 2 of the Criminal Procedure Act, 1977 (Act No. 51 of 1977), or has a direct or indirect	Yes

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
			conflict of interest; to provide for the registration and grading of training centres; to further provide for the registration of manufacturers, builders, body builders, importers and manufacturers of number plates, including manufacturers of reflective sheeting for number plates, suppliers of blank number plates, suppliers of reflective sheeting for number plates, embossers of number plates, weighbridge facilities, manufacturers of microdots, suppliers of microdots and microdot fitment centres. The Bill further seeks to require a provincial Department responsible for transport or local authority to register a driving licence testing centre before operating as a driving licence testing centre.	
	National Land Transport Amendment Bill [B7-2016]	76	The Bill seeks 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.	Yes
	Economic Regulation of Transport Bill [B1B – 2020]	76	The Bill seeks to consolidate the economic regulation of transport within a single framework and policy; to establish the Transport Economic Regulator; to establish the Transport Economic Council; to make consequential amendments to various other Acts; and to provide for related incidental matters.	Yes
2024	Expropriation Bill [B23D – 2020]	76	The Bill seeks to provide for the expropriation of property for a public purpose or in the public interest; to regulate the procedure for the expropriation of property for a public purpose or in the public interest, including payment of compensation; to identify certain instances where the provision of nil compensation may be just and equitable for expropriation in the public interest; to repeal the Expropriation Act, 1975 (Act No. 63 of 1975); and to provide for matters connected therewith.	Yes
	Transport Appeal Tribunal Amendment Bill.	76	The Bill seeks to amend the Transport Appeal Tribunal Act, 1998, so as to insert, delete and amend certain definitions; to bring the Act in	yes

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
	[B8B—2020]		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.	
	Marine Pollution (Prevention of Pollution) Amendment Bill [B5—2022]	76	The Bill seeks to amend the Marine Pollution (Prevention of Pollution from Ships) Act, 1986, so as to give effect to Annex IV of the International Convention for the Prevention of pollution from Ships, to incorporate the 1997 Protocol in order to give effect to Annex VI of the Convention; and to provide for matters connected therewith.	yes
	Railway Safety Bill [B7B—2021]	76	To provide for the regulation of railway safety in the Republic; to provide for the continued existence of the Railway Safety Regulator; to provide for the board and governance structures of the Railway Safety Regulator; to provide for railway safety permits; to provide for railway safety critical grades and safety management systems; to provide for a national railway safety information and monitoring system; to provide for a legal framework to enforce compliance with the Act and to deal with railway occurrences; to provide for an appeal mechanism; to provide for transitional arrangements and the repeal of the National Railway Safety Regulator Act, 2002; and to provide for matters connected therewith.	yes
	Marine Oil Preparedness, Response and Cooperation) Bill [B10 – 20202]	76	To give effect to the International Convention on Oil Pollution Preparedness, Response and Cooperation, 1990; and to provide for matters connected therewith.	No
	Public Service Amendment Bill [B13B–2023]	76	To amend the Public Service Act, 1994, to provide for the devolution of administrative powers from executive authorities to heads of department; to augment the role of the Director-General in the Presidency to support the President; to provide for a mechanism to deal with the recovery of overpayments of remuneration and benefits; to clarify the role of the Public Service Commission in respect of grievances; to clarify the role of the President and the Premier in respect of the appointment and career incidents of heads of departments; and to provide for matters connected therewith.	No
	Public Administration	76	To amend the Public Administration Management Act, 2014, so as to	No

Year	Name of Legislation	Tagging	Objectives	Completed/Not Completed
	Management Amendment Bill [B10B–2023]		further provide for the transfer and secondment of employees; to provide clarification regarding the prohibition against employees conducting business with organs of state; to provide for the National School of Government to be constituted as a national department; to provide for the removal of employment disparities across the public administration; to provide for the co-ordination of the mandating process for collective bargaining in the public administration; to amend the Schedule so as to effect certain consequential amendments; and to provide for matters connected therewith.	

a) Challenges Emerging

In 2021 the Committee requested Parliament’s Constitutional and Legal Services Office to provide a legal opinion on the constitutionality of section 32(3)(a) of the National Road Traffic Act, 93 of 1996 and whether the draft regulation 116A was in line or in conflict with related SADC treaties. The proposed amendment to the Regulations had the effect that professional driving permits should be valid only when operating a motor vehicle registered in the country that issued any such professional driving permit. Having considered the Legal Opinion, the Committee resolved that the Department of Transport ought to withdraw the draft regulation and allow the parliamentary processes to amend the National Road Traffic Act, 1996 (Act No. 93 of 1996) to be completed. When presenting on the objects and provisions of the National Traffic Amendment Bill [B7B-2020(s76)] on 15 January 2024, the Department advised that with the amendment introduced by the Bill, the Department will be in a position to reintroduce the amendments to the regulations as it will now be in harmony with the National Road Traffic Act, 93 of 1996, once the Amendment Bill is enacted.

The President of the Republic of South Africa, acting in terms of the Section 79(1) of the Constitution of the Republic of South Africa, 1996, expressed reservations about the constitutionality of certain provisions of Clause 7 of the National Land Transport Amendment Bill [B7D—2016](sec 76) and referred the Bill back to the National Assembly for reconsideration. The National Land Transport Amendment Bill [B7F – 2016] (“the Bill”) was passed by the National Assembly, transmitted to the NCOP for concurrence and referred to the Select Committee. In the deliberations, the Select Committee was guided by Rules 209 and 210 of the Joint Rules of the Parliament of the Republic of South Africa which limits it to the reservations expressed by the President and either accepting or rejecting the Bill before it. Having been satisfied that the Bill before the Committee addressed the reservations expressed by the President, the Committee resolved to agree to the Bill.

On 28 February 2024, the Select Committee resolved that the processing of certain Bills would be deferred to the 7th Parliament. The decision taken by the Select Committee was informed by, amongst other, the fact that provinces had requested extensions for Bills that had been programmed by the Select Committee already. Further, at a minimum, at least six weeks must be allowed for the legislative processing cycle and where there is a reasonable request for an extension from a Provincial Legislature, such an extension must be granted. Related to this is the fact that the public in both Provincial Legislatures and the NCOP must be afforded reasonable time to prepare and submit inputs on the Bills. Failing to do so risks the resultant legislature being set aside by the Courts for failing to comply with constitutional imperatives. The affected Bill where as follows:

- i. Marine Oil (Preparedness, Response and Cooperation) Bill [B10 – 20202] (Sec 76), referred to the Select Committee on 14 November 2023 (ATC No. 158 - 2023 of 14 November 2023).
- ii. Public Service Amendment Bill [B13B–2023] (Sec 76), referred to the Select Committee on 27 February 2024 (ATC No. 21 – 2024 of 27 February 2023).
- iii. Public Administration Management Amendment Bill [B10B–2023] (Sec 76), referred to the Select Committee on 27 February 2024 (ATC No. 21 – 2024 of 27 February 2023).

b) Issues for Follow – Up

Once the Economic Regulation of Transport Bill [B1B—2020] is enacted, the Act will provide the empowering legislation for the establishment of the Single Transport Economic Regulator (STER). The following issues have been identified by the Committee for scrutiny once the new entity has been established:

- Reviewing regulations that are to be issued to further regulate the provisions of the Act, with a specific focus on ensuring that safeguards are put in place in the undertaking of market enquiries to address concerns of scope creep and overreach.
- Monitoring that, as undertaken by the Department, there are no job losses and that no other regulators are affected when the Transnet Port Authority becomes the nucleus around which the STER will be established.
- Monitoring the finalisation of the Memorandum of Understanding between the STER to be established and the Competition Commission. The Committee had enquired as to whether the STER will not be overlapping functions with the Competition Commission. The Department responded that Clause 43 of the Bill requires the STER to negotiate and conclude an agreement with the Competition Commission to coordinate and harmonise the exercise of jurisdiction over competition matters, including market enquiries.

During its briefing on the 10-year review of the National Development Plan and in response to an enquiry about its ability to intervene at the implementation level, the NPC indicated that there is not currently a programme of structured engagement between it and government departments and local government. The NPC stated that the draft Planning Framework Bill is aimed at institutionalising planning across government and assigning planning responsibilities through legislation. At present, the working relationship between the NPC and the Department of Planning, Monitoring and Evaluation on the one hand and with government departments, entities and local government on the other hand, is not defined by law.

During the consideration of the 2022/3 Annual Report of the Department of Public Works and Infrastructure, the Infrastructure South Africa head indicated that the Infrastructure Development Amendment Bill will make provision for the establishment of ISA as a public entity. Concurrence has been sought from the Minister of Finance on the Business Case for the ISA as a public entity and for the draft legislation. Once this concurrence is obtained, the process of finalising the Amendment Act can proceed.

During the processing of the Railway Safety Bill, the Department of Transport responded that several issues raised do not fall under the Railway Safety Bill but that it would be covered by the provisions of a forthcoming National Rail Bill. These matters include, amongst other, devolution of rail, theft, malicious damage to property and other criminal acts that impact on safe railway operations.

The Public Service Commission Amendment Bill [B30 – 2023] was introduced in Parliament in October 2023. The Amendment Bill introduced legislative reforms to entrench the independence of the PSC secretariat and extending its jurisdiction to local government. At the time of adopting this report, the Bill had however not yet been referred to the Select Committee.

5. OVERSIGHT VISITS UNDERTAKEN

The Select Committee undertook three oversight visits jointly with the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour. Key recommendations are tabulated below and the full programme and recommendations are available in the Committee reports on the oversight visit.

5.1. Oversight Visit to Gauteng - West Rand District Municipality and Ekurhuleni Metropolitan Municipality from 21 to 25 October 2019

Objectives	Key Recommendations	Status of the Report
To receive performance reports on local economic development programmes covering investments in areas such as Transport, Tourism, Special Economic Zones (SEZs) and other development programmes such as the Expanded Public Works Programme (EPWP).	<ol style="list-style-type: none"> 1. It was noted that the transport networks should incorporate all modes of public transport services. Government should explore the possibility of extending the Gautrain development initiative to reach the West Rand. This initiative has the potential to stimulate other economic activities in the West Rand. This recommendation could be implemented over the medium-term period. 2. National Treasury and the Department of Transport should pay special attention in the implementation of the City of Ekurhuleni’s Integrated Rapid Public Transport Network (IRPTN) . As stated in this report, many development projects in local municipalities were reported to be poorly planned, including poor design and construction that lead to cost over-runs. As a result, government has spent billions of Rands on projects that are not completed within contractual timelines. The National Department of Transport and City of Ekurhuleni should provide the Select Committee on Transport, Public Service and Administration, Public Works and Infrastructure, and with oversight reports in terms of the implementation of the City of Ekurhuleni’s IRPTN. The oversight reports should be submitted to the Committee before the end of the 2019/20 financial year. 	Adopted

5.2. Oversight Visit to the Western Cape - City of Cape Town and West Coast District Municipality from 17 to 20 August 2021

Objectives	Key Recommendations	Status of Report
To receive economic growth and development performance	<ol style="list-style-type: none"> 1. Over the 2021 medium term the Minister of Transport, Provincial Minister responsible for transport, and the City of Cape Town should develop detailed plans to tackle current 	Adopted

Objectives	Key Recommendations	Status of Report
<p>reports on local economic development programmes covering investments in areas such as Transport, Tourism, Special Economic Zones (SEZs) and the status report on the taxi violence in the City of Cape Town.</p> <p>The delegation also visited projects implemented by the Department of Public Works and Infrastructure Development and the Public Transport Interchange in Du Noon.</p>	<p>challenges on the public transport system, especially rail. The deterioration of the rail service in City of Cape Town, with its resultant sharp increase in road usage needs to be addressed. The most pressing challenge facing the City of Cape Town's transport network and by extension its economic growth potential, is the decline of rail infrastructure.</p> <ol style="list-style-type: none"> 2. Minister of Transport, and the provincial Minister responsible for transport together with City of Cape Town should improve coordination in terms of regulating the taxi industry. Evidence shows that most South Africans use taxi to travel to school and work. Modernisation of the taxi industry should be accelerated. 3. West Coast District Municipality is one of the fastest growing economic regions in the Western Cape Province. As such higher levels of economic activity, which would result to an increase in business and job opportunities would certainly cause growth in population and increased pressure on the provision of physical, social, economic, and environmental infrastructure. To this end, over the 2021 medium term the national and provincial ministries responsible for spatial and development planning should support the District to improve spatial and development planning to improve alignment in terms of investment in infrastructure in areas such transport, energy, water and sanitation, environment including housing. 	

5.3. Oversight Visit to the Northern Cape - John Taolo Gaetsewe District Municipality and the Frances Baard District Municipality from 16 to 19 August 2022

Objective	Key Recommendations	Status of Report
<p>To oversee implementation of the funded programmes by the national departments and their entities. This included an assessment of how the three spheres of government work together in implementing national priorities in terms of job creation and spur change of the economic structure and foster economic transformation in line with the aspirations of the District Development Model (DDM).</p>	<ol style="list-style-type: none"> 1. Over the 2023 medium term, the National Ministers responsible for transport, roads, public enterprises, energy, water and sanitation including trade, investment (including infrastructure) and small businesses working together with the Member of the Executive Council responsible for economic development, transport and roads including the John Taolo Gaetsewe district municipality needs to develop an integrated plan to operationalise the Strategic Integrated Project 5 (SIP5), Saldanha–Northern Cape Development Corridor including Khathu Industrial Park. The plan should be submitted to the Select Committees on Trade, Economic Development, Employment and Labour, Small Business and Tourism and Transport, Public Works and Infrastructure and Public Service and Administration, by the end of the 2023/24 financial year. 2. The John Taolo Gaetsewe District Municipality should submit its road and transport plan for the district to the Committees of Select Committees on Trade, Economic Development, Employment and Labour, Small Business and Tourism and Transport, Public Works and Infrastructure and Public Service and Administration before the end of the end of the 	<p>Adopted</p>

	<p>2022/23 financial year.</p> <p>3. The Sol Plaatjie Local Municipality should appear before a joint meeting of the Select Committees on Trade, Economic Development, Employment and Labour, Small Business and Tourism and Transport, Public Works and Infrastructure and Public Service and Administration the Committee in 2023 in order to provide an update on its interventions in respect to the storm water, leaking water pipes and faulty sewage pump stations that flow into the Platfontein pan and flooding the R31 road.</p>	
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6. STUDY TOURS UNDERTAKEN

The Select Committee undertook one International Study Tour jointly with the Select Committee on Trade and Industry, Economic Development, Small Business Development, Tourism, Employment and Labour. The Study Tour was undertaken to the Federal Republic of Germany from 3 to 7 July 2023. Key recommendations emanating from the study tour are tabulated below and the full programme and recommendations are available in the Committee reports on the Study Tour.

Objective	Key Recommendations	Status of Report
<ul style="list-style-type: none"> Engaging with stakeholders on the identification of approaches to public infrastructure provision and public transport that addresses current challenges and imperatives, ranging from socio-economic imperatives (such as the development of pro - poor and gender sensitive approaches) to technological challenges (such as aging infrastructure) and environmental imperatives (such as resilience to environmental shocks). Wider programme focused on legislative oversight, policy and programme design and implementation and governance structures. Strengthening the capacity of the Select Committees to engage with policy and programme level considerations and propose alternative service delivery models and approaches. The study tour included opportunity for the Select Committees to engage with stakeholders on the identification of approaches to public infrastructure provision and public transport that addresses socio-economic imperatives (such as the development of pro-poor and gender sensitive approaches) to technological challenges (such as aging infrastructure) and environmental imperatives (such as resilience to environmental shocks). The wider 	<ol style="list-style-type: none"> That the City Science Centre tools be presented at a COGTA Members of Executive Councils Meeting (MINMEC) for consideration as to how the tools may be applied for municipal decision making, infrastructure planning and municipal participatory planning. The Property Management Trading Entity may find value in the LIG Project for consideration as to how the tools may be extended to allow for the verification of the state-owned property register. The Select Committees to hold a follow-up engagement with the African Centre for Cities in respect of any research that has identified regulatory, policy or legislative gaps in respect of public transport, public infrastructure and people centre smart cities. 	<p>Adopted</p>

Objective	Key Recommendations	Status of Report
programme focused on legislative oversight, policy and programme design and implementation and governance structures.		

7. INTERNATIONAL AGREEMENTS

The following international agreements were processed and reported on:

Date referred	Name of International Agreement	Objective	Status of Report
June 2022	Convention on International Civil Aviation Amendments	<p>Ratification of Protocols relating to the amendment of Articles 50(a) and 56 of the Convention on International Civil Aviation (Chicago Convention)</p> <ul style="list-style-type: none"> Amending Article 50 (a) of the Convention to provide for the increase in the size of the Council from thirty-six members to forty members. Amending Article 56 of the Convention to provide for the increase in the membership of the Air Navigation Commission from nineteen members to twenty-one members. 	Adopted
19 March 2024	Luxembourg Protocol to the Convention on International Interests in Mobile Equipment on Matters Specific to Railway Rolling Stock	<ul style="list-style-type: none"> Establishes an international, asset-based, financing regime that will enable and reduce the cost of private financing for rail rolling stock. It creates a new world-wide legal framework to recognise and regulate security interests of lenders, lessors and vendors selling under conditional agreements, where each are secured by Rolling Stock. Sets out common international legal rights for funders financing rolling stock, including easing repossession of collateral on debtor default or insolvency, thereby, substantially reducing creditor risk and thus financing costs. 	Adopted
17 April 2024	Protocol to amend the Convention on Offences and certain other Acts Committed on Board Aircraft	<ul style="list-style-type: none"> The Montreal Protocol aims to extend the jurisdiction over offences and acts committed on board aircraft to the State of landing and State of the operator. It seeks to close the jurisdictional gap created by the Tokyo Convention and to assist in curbing unruly behaviour on board aircraft. This will ensure that unruly passengers do not escape prosecution because of lack of jurisdiction. 	Deferred to the 7 th Parliament

Date referred	Name of International Agreement	Objective	Status of Report
17 April 2024	The International Convention on Civil Liability for Bunkers Oil Pollution Damage	<ul style="list-style-type: none"> To ensure that adequate, prompt, and effective compensation is available to persons who suffer damage caused by spills of oil, when carried as fuel as ships' bunkers. The Convention applies to damage caused on the territory, including the territorial sea, and in exclusive economic zones of States Parties. 	Deferred to the 7 th Parliament

8. SUMMARY OF OUTSTANDING ISSUES RELATING TO THE DEPARTMENT/ENTITIES THAT THE COMMITTEE HAS BEEN GRAPPLING WITH

The following matters have been identified for follow up by the Select Committee and it is recommended that they be incorporated into the oversight programme of the 7th parliament. The below listed items are in addition to the follow – up areas identified in the report this far. It is also in addition to the programmatic aspects that would be in the Select Committee's oversight programme such as the consideration of the Strategic Planning, Budgeting and Reporting documentation, consideration of quarterly reports and tracking the implementation of the policies, programmes (e.g the labour intensive pothole report project commonly known as Operation Valazonke) and projects of departments and their entities. It is also addition to monitoring the allocation and expenditure of conditional grants such as the IPTN, Municipal Infrastructure and Provincial and Rural Road Management grants.

Responsibility: Department of Transport (DOT)

Issues Requiring Further Attention	
1	The outcomes of the National Road Safety Strategy impact evaluation study that the Department, together with the Department of Planning, Monitoring and Evaluation has commissioned.
2	The Department has reported that the license – card production machine is obsolete and prone to breakdowns, and this poses a risk to the production of 6 500 000 license cards over the MTEF period. The Department reported that it is in the process of procuring a new machine. The Select Committee has appealed to the DOT to expedite the implementation of digital driving licenses.
3	The Department should enhance its efforts to increase the patrol of South Africa's coastal borders. Porous borders allow for the illicit trade of goods and portrays a negative international image.
4	Given the burden on the South African road network, the targeted 10% for freight moved from road to rail should be reviewed, with the intention of increasing the percentage.
5	As announced during the 2023 State of the National Address, the Welisizwe Rural Bridges Programme is to implemented in partnership between the Department and the departments of Transport and Defense respectively. Bridges will be installed in the Eastern Cape, KwaZulu - Natal, Mpumalanga, Limpopo, Free State, and North – West provinces. R3.8 billion is allocated for the programme over the medium term. The Select Committee ought to pay particular attention to the roll-out of this programme as it will allow communities to safely access educational opportunities, government services, economic opportunities and the social infrastructure that allows communities to have sustainable livelihoods.
6	An explanation was sought by the Select Committee on the extension of the roll-out of the Station Modernisation Programme to other

	areas. PRASA reported that it is working with the Development Bank of South Africa (DBSA) to assist with the necessary procurement processes including the evaluation and adjudication of bids.
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b) Department of Public Works and Infrastructure (DPWI)

Issues Requiring Further Attention	
1	Telkom Towers was purchased at the cost of R694 million in 2016 whereas to date only one of the nine buildings forming part of the complex has been occupied to date. The Department report was that the project involved collapsing 15 South African Police Service (SAPS) leases and in the process challenges outside the control of the Department had arisen.
2	In the 2022/23 Annual Report of the Department, the Auditor General questioned the credibility of EPWP performance information. The Department responded that the recording keeping by organisations involved in the EPWP, such as the Non – Profit Organisations, are not always complete. Monitoring, Evaluation and Supervision reporting has to be put in place so that the number of EPWP workers, deployment areas, tasks per deployment area and performance per deployment area can be verified.
3	When the Department last appeared before the Committee, it was reported that the Parliamentary Villages Board continues to be non – functional and that no Annual Financial Statement has been submitted to the Auditor General by the Board since 2013. The Department responded that it has been a recurring challenge that Board members simply do not attend meetings and as a result a quorum cannot be reached. An undertaking was made that as the new Chairperson of the Board, the Director General of the Department will escalate this matter.
4	The Refurbishment, Operate and Transfer Programme is intended to attract the capacity of the private sector in the form of capital and skills to assist Government in improving the conditions of specific government-owned properties. Instead of incurring the cost or private leases, government buildings will instead be refurbished.
5	The Construction industry is plagued by interests who would hold communities and development and infrastructure projects hostage for their own selfish gains. African Forum of Civil Engineering Contractors (Safcec) has estimated that losses due to these disruptions amounted to R40.7-billion nationally in 2020. The Select Committee has appealed to the Department to continue with its efforts to address risks posed by the “Construction Mafia”. Such efforts should complement measures such as the Critical Infrastructure Protection Act, 8 of 2019, which contain important provisions related to the safeguarding of critical infrastructure.
6	The Department reported that it is considering its various options in respect of improving payment rates to the PMTE, including declaring intergovernmental disputes or liaising with the AG so that outstanding debt to the Department can be grounds for an audit finding.
7	During 2022 engagements, the Committee raised concerns about the processes to evict persons and demolish illegally constructed houses. Related to this is the unlawful occupation of buildings where occupants live in unsafe conditions. The tragic consequences were seen with the fire that resulted in at least 73 people being killed in a five storey building that had been occupied in central Johannesburg. It is all the more concerning where state owned buildings are occupied and inaction by government departments and entities means that eviction proceedings become near impossible without securing alternative accommodation for occupiers.
8	The Department reported that the Medium-Term Budget Policy Statement and the Division of Revenue Act now makes provision for provinces to pledge its future allocations towards accelerating the delivery of social infrastructure. The Northern Cape and Eastern Cape has been identified as the first provinces to utilise this approach, commencing with the completion of business case for projects.

c) Department of Public Service and Administration (DPSA)

Issues Requiring Further Attention	
1	It was recommended that the Department take steps to create a professional body for public servants who should belong to a professional

	body and issued with a licence that can be revoked when they act contrary to the ethics of the professional body.
2	The November 2023 Progress Report indicates that there were over 12 000 records on the Central Discipline Register, with a first-round effort led by the National Treasury and DPSS seeing positive responses from over 50 public entities, adding 2004 new records. The inclusion of local government data was said to be underway. The Central Discipline Register has been developed and piloted for launch from 1 April 2024 and is to be used as part of vetting and recruitment processes.
3	During the 2024 State of the Nation Address, the President raised the potential rationalisation of government departments, entities and programmes over the next three years was introduced. National Treasury estimates at the time was that the Country could achieve a potential saving of R27 billion in the medium term if overlapping mandates, close ineffective programmes are addressed and entities where consolidated where appropriate.
4	The Department reported that it will develop a guide to support public servant whistle blowers who are in/or require witness protection. Such a guide will supplement the provisions of the Witness Protection Act, 112 of 1998 and Protected Disclosures Act, 26 of 2000.
5	When appearing before the Select Committee on its 2023/4 Annual Performance Plan the Department reported that there was at the time 315 precautionary suspension cases across National Departments – at a salary cost of R 61 905 593,74. There are an additional 292 precautionary suspension cases across Provincial Departments – at a salary cost of R 203 851 13, 57. The Department undertook to implement a number of measures to address the status quo, including the establishment of an independent panel (Ministerial Committee) to review long term suspensions in the system. Other efforts will include strengthening the role of labour relations officers in disciplinary processes as there is a tendency to make use of legal services units (as opposed to labour relations officers) which might delay processes.
6	During 2019, directives were issued in relation to the early retirement (without incurring penalties) of public servants. Such an approach contributes to the reduction of the public sector wage bill as public servants on the top salary notches are replaced with new entrants on the lowest notch. It should be assessed to which extent the early retire option is exercised by public servants.

d) **Department of Planning, Monitoring and Evaluation (DPME)**

Issues Requiring Further Attention	
1	The NPC reported that an Implementation Tracker Tool is being developed in collaboration with the Centre for Scientific and Industrial Research. The tool will be used to monitoring various NDP indicators.
2	The 2019 review of the National Development Plan (DP) identified that “in the absence of a social compact around advancing the NDP, or at least a shared implementation and monitoring framework, it is difficult to account for the contribution (or lack thereof) of the private sector, organised labour, or civil society”. In addition to the overarching social compact, sector compacts should be concluded to guide all social partners in a particular sector.

e) **Entities:**

Name of Entity	Issues Requiring Further Attention
Department of Transport	
Passenger Rail Agency of South Africa (PRASA)	The verification of the localisation component of the Gibela Manufacturing and Supply Agreement could not be finalised. The South African Bureau of Standards (SABS) was appointed to do the verification but SABS itself experience internal management and capability challenges.
	Certain of the priority rail corridors are owned by Transnet and discussions are underway on the

Name of Entity	Issues Requiring Further Attention
	<p>possibility of PRASA taking over ownership of the infrastructure on certain of these corridors. Furthermore, PRASA also raised as a concern that the access and haulage fees that it must pay to Transnet is not sustainable for its Main Line Passenger Services and that discussions in this regard are underway between the entities.</p> <p>Proclamation 153 of 2024 has been issued in terms of which the President has empowered the Special Investigating Unit to probe the below listed matters. The Proclamation covers allegations of unlawful and improper conduct that took place between 1 January 2010 and 16 February 2024:</p> <ul style="list-style-type: none"> i. Offences that were committed in contravention of the Prevention and Combating of Corrupt Activities Act of 2004 in connection with the affairs of PRASA in relation to the award of tenders for the supply of various train locomotives to Swifambo Rail Leasing Pty Ltd, and the supply and maintenance of an integrated security access management system at various train stations to Siyangena Technologies Pty Ltd. ii. Serious maladministration relating to fraudulent liability claims processed and paid by PRASA's Group Insurance Department, including claims paid as one time vendor payments. iii. Employment of ghost employees identified by PRASA's Project Zivese in August 2021. <p>The White Paper on National Rail Policy states that the Department of Transport will engage the Minister of Police to strengthen the South African Police Service (Railway Police) as a dedicated pro-active law enforcement division within the rail setting, for both fixed facilities and trains, including the rail infrastructure declared as National Key point.</p>
Road Accident Fund (RAF)	Shortly after the Committee's establishment in 2019, the Select Committee invited the Road Accident Fund to brief the Committee on its Annual Performance Plan. At this stage already the Committee raised concern that what was tabled was a final draft APP and that backlogs had already been widely reported. The RAF continues to be plagued by governance and financial management challenges. A concerted oversight intervention strategy should be developed by the 7 th Parliament.
Department of Public Service and Administration	
National School of Government (NSG)	The NSG has had engagements with Heads of Departments around developing public management curriculum at tertiary institutions. The aim of the engagements has been to foster integration between theory and practice and to integrate the professionalisation of public service into the curricula.
Department of Public Works and Infrastructure	
Independent Development Trust (IDT)	The Department reported that it has developed a business case in terms of which the IDT would be self-sufficient, and consultation is underway in this regard.

9. **REPORT ON THE JUDICIAL COMMISSION OF INQUIRY INTO THE ALLEGATIONS OF STATE CAPTURE, CORRUPTION AND FRAUD IN THE PUBLIC SECTOR**

The Report on the Judicial Commission of Inquiry into the Allegations of State Capture, Corruption and Fraud in the Public Sector (“the State Capture Report”) was released between January and June 2022. In October 2022, the President of the Republic released a response to the State Capture Report and in November 2022 the Parliament of the Republic of South Africa set out an Implementation Plan to oversee the implementation of the President’s response to the recommendations of the State Capture Report. On 21 February 2024, the Department of Public Service and Administration briefed the Select Committee on progress.

The Department briefed the Select Committee on the legislative reforms undertaken and underway to align with the professionalisation of the Public Sector. The DPSA is focused on a number of areas emanating from the Professionalisation Framework including the creation of a head of the public service; training and development of employees to ensure a competent and suitably skilled workforce; ensuring the mobility of staff to deploy skills where they are required and revision of the conditions of service for Heads of Department. Further, the review of the dispensation for Special Advisors is underway and being processed through internal government structures. The Draft Code of Conduct has been consulted with the Public Administration Ethics, Integrity and Disciplinary Technical Assistance Unit. In relation to the induction for New Ministers to clarify the relationship between the political authority and the institutions they oversee it was indicated that the Presidency has initiated a Programme of Induction on the PFMA and Public Service Act for Members of the Executive (Ministers and Deputy Ministers). With regard to the revision to relevant sections of the Ministerial Handbook it was reported that the Presidency on 09 February 2022 requested the Independent Commission for the Remuneration of Public Office Bearers to Review the Handbook.

In response to an enquiry from the Committee, the Presidency in correspondence dated 15 March 2024 provided a status update on lifestyle audits for Members of the Executive. The Select Committee was advised that a decision was taken to build capacity within the office of the Director General in the Presidency to undertake the lifestyle audits of Members of the Executive (as opposed to appointing an external service provider as initially planned). Some Members of the Executive have submitted information required for the audits. The project plan has is being revised by the Presidency and the Select Committee resolved that the following milestones should be part of the 7th Parliament’s oversight programme:

- The assessment of the financial disclosures.
- Conducting verification exercise with various institutes such as the Company’s and Intellectual Property Committees (CIPC), eNatis and Deeds Office.
- Conducting interviews and requested additional information were so required.
- Submission of a close out Report to the President with findings and recommendations.

10. Master Attendance Record

Masters Attendance Record is available on request.