**National Assembly**

**Question No: 136**

**Ms B van Minnen (DA) to ask the Minister of Transport:**

(1) In view of the oversight visit to the Passenger Rail Agency of South Africa’s Head Office in Gauteng undertaken by the Standing Committee on Public Accounts recently to deal with issues pertaining to their outstanding audit and troubled audit history, and in view of the Board’s ongoing instability over recent years with the current Board not meeting the requirements of the Legal Succession to the Transport Services Act, Act 9 of 1989, as there are ongoing vacant positions, (a) what is the current situation in this regard and (b) how does he intend to fill the vacant positions;

(2) what has he found are the ramifications on the decision-making powers of the current Board given that they do not meet the requirements of the Legal Succession to the Transport Services Act, Act 9 of 1989? NW140E

**REPLY**

**1** The Board of Control of PRASA is governed by section 24 of the Legal Succession to the South African Transport Services Act, 1989 (Act No. 9 of 1989) which provides that –

“(*1)* *the affairs of the Corporation shall be managed by a Board of Control of not more than 11 members including the chairman, who shall be appointed and dismissed by the Minister*.

(*2) At least-*

*(a) one of the members of the Board of Control shall be an officer in the Department of Transport;*

*(b) one of the members of the Board of Control shall be an officer in the Department of Finance;*

*(c) one of the members of the Board of Control shall be nominated by the South African Local Government Association recognised in terms of section 2 (1) (a) of the Organised Local Government Act, 1997 (Act 52 of 1997);*

*(d) three of the members of the Board of Control shall have expertise and experience in the management of a private sector enterprise.”*

(a) There are currently nine Board members, with only two vacancies

(b) The two vacancies have been advertised through a mass advertisement for all Transport entities, and the process of filling the positions is underway.

(2) The Board of Control of PRASA does quorate with the 9 members as the Act requires **not more** than 11 members rather than 11 members. What will cause the Board of Control not to quorate will be vacancies emanating from non-compliance with section 24 (2) of the Act, of which the 2 vacancies mentioned above are not related to the provisions of section 24(2).