**National Assembly**

**Question No 1935**

**Mr M N Paulsen (EFF) to ask the Minister of Transport:**

In light of the directive given in terms of section 79 of the National Ports Act, Act 12 of 2005, which short-circuits sections of the Act that require a separate public consultation process when harbour space is leased to third parties and compels Transnet to make way for the power ships, which sections of the Occupational Health and Safety Act, Act 89 of 1993, did Kapowership comply with in terms of the necessary risk profile required by the Act? NW2198E

**REPLY**

In terms of the National Ports Act No. 12 of 2005, Section 79 (1) The Minister may, in writing, direct the Authority to perform a specified act within the Authority’s power or not to perform a specified act, if such direction is necessary of the-

1. to safeguard the national security of the Republic;
2. promote the national, strategic or economic interests of the Republic; or to;
3. discharge an international obligation of the Republic.”

The condition that the Minister of Transport has put on the directive is sufficient enough to give TNPA latitude to require Karpowership to comply with all necessary safety and operational requirements:

*“TNPA reserves the rights to include all the necessary commercial and safety requirements or agreements that considered necessary during the period of this Directive.*

*Karpowership remains obliged to obtain all other statutory approvals and consent(s) as prescribed in law and as may be reasonably required by the TNPA.*

*The directive is also subject to all other government approvals such as Environmental Approvals from competent government departments”.*