



Mpumalanga Provincial Legislature

NCOP Office

FAX COVER

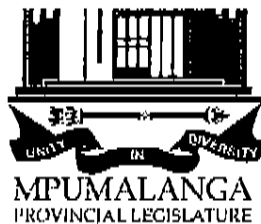
ATTENTION	Ms Adams
COMPANY	NCOP
FAX NUMBER	0865121055
FROM	Patience
DATE	10 October 2008
NO OF PAGES	19 including cover page
SUBJECT	
MESSAGE	

124 Adderly Street
Constitution House
8th Floor, Office 812
CAPE TOWN
8000

Tel +27 21 4243970/3
Fax + 27 21 4243977
0829795954

www.mpuleg.gov.za
pmbalo@parliament.gov.za

0137661458



Tel.: 013 766-1399

**NEGOTIATING MANDATE
NATIONAL LAND TRANSPORT BILL
[B51B-2008]**

The Portfolio Committee on Public Works; Roads and Transport ("the Committee") deliberated on the National Land Transport Bill [B51B-2008] ("the Bill").

After deliberations, the Committee supports the principles underlying the Bill, taking into account the observations of the Committee contained in the attached report.

The delegates representing the Province of Mpumalanga in the National Council of Provinces ("NCOP") is conferred with authority and a mandate to negotiate in favour of the Bill taking into account the observations of the Committee and the public submissions as indicated in the attached report.

Private Bag X 11289
Nelspruit 1200
Tel +27 13 766 1378
Fax + 27 13 766 1458
Building No 1, Mpumalanga
Government Complex
Riverside, Nelspruit
Mpumalanga Province
www.mpuleg.gov.za

**HON GS SINDANE
CHAIRPERSON: PORTFOLIO
COMMITTEE ON PUBLIC WORKS;
ROADS AND TRANSPORT**

26.09.2008

DATE

WORKS, ROADS AND TRANSPORT ON NATIONAL LAND TRANSPORT BILL [B51B-2008]

1. INTRODUCTION

In terms of section 42 (4) of the Constitution, the National Council of Provinces ("the NCOP") represents provinces to ensure that provincial interests are taken into account in the national sphere of government. In line with the procedure provided in section 76 of the Constitution the National Assembly after passing the National Land Transport Bill [B51B-2008] ("the Bill") transmitted it to the NCOP.

2. OBJECTIVES OF THE BILL

The purpose of the Bill as articulated in the long title is to further the process of transformation and restructuring the national land transport system initiated by the National Land Transport Transition Act, 2000 (Act No. 22 of 2000), and to provide for matters connected therewith.

3. METHOD OF WORK

The Speaker referred the Bill to the Committee and the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces (NCOP), Hon. A Watson briefed the Committee on 10 September 2008.

In compliance with section 118(a) of the Constitution, the Committee decided to conduct public hearings in the three districts of the province on 19 September 2008.

Invitations were faxed and hand delivered to the following relevant stakeholders:

TAXI ASSOCIATIONS AND BUS COMPANIES

- Successful United Taxi Association, Hazyview
- White Hazy Taxi Association, Hazyview
- Barberton Taxi Association
- Topstar Taxi Association
- KwaNdebele Taxi Association
- KwaMhlanga Taxi Association
- Middelburg Taxi Association
- Leandra Taxi Association

0137661458

- Thulamahashi Hluvhukani Acornhoek Taxi Association
- Midbank Group of Companies
- BUSCOR (Pty) Ltd
- Great North Transport
- Mpumalanga Transport Bulk Freight

MUNICIPALITIES AND CONSTITUENCY OFFICES

- Govan Mbeki Municipality – Gert Sibande District
- Tseve Tshwete Municipality – Nkangala District
- Umjindi Municipality – Ehlanzeni District
- Tseve Tshwete Constituency Office
- Emalahleni Constituency Office
- Govan Mbeki Constituency Office
- Umjindi Constituency Office

TRIBAL AUTHORITIES

- Embhuleni Tribal Authority
- Enkambeni Tribal Authority, KaMajika
- Gutshwa Tribal Authority
- Empakeni Tribal Authority

The Bill was advertised on the Sowetan Newspaper whereby the public was encouraged to submit their written inputs on or before 23 September 2008.

Honourable Members and officials of the Department of Roads and Transport were deployed to the public hearings that were arranged and held as follows:

DATE	Friday, 19 September 2008
VENUE	Eric Jiyane Hall, Middelburg
TIME	09:00
ATTENDANCE	72

DATE	Friday, 19 September 2008
VENUE	Difa Nkosi Hall, Leandra
TIME	09:00
ATTENDANCE	68

DATE	Friday, 19 September 2008
VENUE	Umjindi Community Hall, Umjindi Municipality
TIME	09:00
ATTENDANCE	95

0137661458

No written comments or submissions on the Bill were received from any stakeholder.

The public commented that:

- The Bill must not provide for a maximum validity period of operating licences, and that operating license must remain indefinite¹;
- Government officials working on transport tenders must declare their interests, and that the responsible executive authority must monitor their involvement to ensure transparency and impartiality in the tendering process;
- Government must not impound vehicles if a driver is found guilty of contravening the Bill;
- The Bill must provide for automatic transferral of operating license to the spouse or immediate family member in cases where the holder of that operating license dies, furthermore that administrative fees relating to registration of the operating license must not be charged to the spouse or the immediate family member²;
- The scrapping allowance of R50 000 must not be fixed, and inflation must also be taken into consideration when paying out the scrapping allowance to owners.

5. RECOMMENDATION

The Committee recommends that the delegation representing the Province of Mpumalanga in the National Council of Provinces be conferred with authority to vote in favour of the Bill.

¹ Section 52 of the Bill provides for a maximum validity period of 7 years for operating licenses.

² Section 58 provides for a transfer, amendment or renewal of the operating license and further that a person applying to take transfer of an operating license or permit must have the written consent of the current holder of the operating license or the holder's executor.

0137661458

The Chairperson wishes to thank Members of the Portfolio Committee on Public Works; Roads and Transport, support staff, officials from the Department of Roads and Transport who participated in the public hearings. Further, the Chairperson wishes to extend a word of gratitude to all stakeholders who took part during the public hearings.



HON GS SINDANE
CHAIRPERSON: PORTFOLIO
COMMITTEE ON PUBLIC WORKS;
ROADS AND TRANSPORT

30th September 2008
DATE

0137661458



Tel.: 013 766-1399

**NEGOTIATING MANDATE
NATIONAL ROAD TRAFFIC AMENDMENT BILL
[B39B-2008]**

The Portfolio Committee on Public Works; Roads and Transport ("the Committee") deliberated on the National Road Traffic Amendment Bill [B39B-2008] ("the Bill").

After deliberations on the Bill, the Committee supports the principles underlying the Bill, taking into account the observations of the Committee as contained in the attached report.

During the deliberations, among others, the Committee made the following observations:

- a. The lack of uniformity regarding traffic officer's uniforms and vehicles nationally should be addressed in this bill;
- b. Emergency services and escort services for VIP's are abusing sirens and that tighter measures should be put in place to manage this;
- c. The issue regarding the legitimacy of roadworthy certificates issued in a foreign country; and
- d. The Issue regarding TBVC licenses as most of these licenses have not yet been converted.

The delegates representing the Province of Mpumalanga in the National Council of Provinces ("NCOP") is conferred with authority to negotiate in favour of the Bill, taking into account the observations of the Committee made above, as well as the public submissions indicated in the attached Committee report.

**HON GS SINDANE
CHAIRPERSON: PORTFOLIO
COMMITTEE ON PUBLIC WORKS;
ROADS AND TRANSPORT**

26.09.2008

DATE

Private Bag X 11289
Nelspruit 1200
Tel +27 13 766 1378
Fax + 27 13 766 1458
Building No 1, Mpumalanga
Government Complex
Riveralde, Nelspruit
Mpumalanga Province
www.mpuleg.gov.za

0137661458

ROAD TRAFFIC AMENDMENT BILL [B39B-2008]

1. INTRODUCTION

In terms of section 42 (4) of the Constitution, the National Council of Provinces ("the NCOP") represents provinces to ensure that provincial interests are taken into account in the national sphere of government. In line with the procedure provided in section 76 of the Constitution, the National Assembly after passing the National Road Traffic Amendment Bill [B39B-2008] "(the Bill)" transmitted it to the NCOP.

2. OBJECTIVES OF THE BILL

The Bill seeks to:

- Insert the definitions and to amend others;
- Prohibit the unauthorised officers' Infrastructure number;
- Provide for visible display of nametags by traffic officers;
- Prohibit impersonation of traffic officers and the wearing of a traffic officers uniform without the official written permission;
- Create new offences;
- Empower the Minister to prescribe training procedures and qualifications of persons appointed as national inspectors at driving license testing centres and testing stations;
- Make new provision regarding the process by which driving licenses are issued;
- Recognise documents relating to roadworthiness issued in a prescribed territory;
- Provide for circumstances that emergency vehicles may ignore road traffic signs and speed limits;
- Provide for liability of managers, agents and employees; and
- Empower the MEC to set fees.

3. COMMITTEE PROCESS

The above Bill was referred by the Speaker to the Committee for consideration and report back to the House. On 10 September 2008, the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces (NCOP) Hon. A Watson briefed the Committee on the Bill.

0137661458

During the briefing, the Committee agreed on a process to consider the Bill. The Committee deemed it necessary to facilitate and conduct public hearings with all affected and interested stakeholders in Mpumalanga as required by section 118(1) of the Constitution, in order to solicit their comments, views and inputs on the Bill.

The Bill was then advertised in the Sowetan Newspaper for the public and relevant stakeholders to submit written comments by 23 September 2008.

Invitations were faxed and hand delivered to the following relevant stakeholders:

TAXI ASSOCIATIONS AND BUS COMPANIES

- Successful United Taxi Association, Hazyview
- White Hazy Taxi Association, Hazyview
- KwaNdebele Long Distance Taxi Association, KwaMhlanga
- Barberton Taxi Association
- Malelane Taxi Association
- Matsulu Taxi Association
- Topstar Taxi Association
- Bushbuckridge Taxi Association
- Mala Bus United Taxi Association;
- Thulamahashi Hluvhukani Acornhoek Taxi Association;
- BUSCOR (Pty) Ltd
- Great North Transport
- Midbank Group of Companies
- Mpumalanga Transport Bulk Freight

MUNICIPALITIES AND CONSTITUENCY OFFICES

- Steve Tshwete Municipality – Nkangala District
- Govan Mbeki Municipality – Gert Sibande District
- Umjindi Municipality – Ehlanzeni District.
- Steve Tshwete Constituency Office
- Govan Mbeki Constituency Office
- Umjindi Constituency

0137661458

- Embhuleni Tribal Authority
- Gutshwa Tribal Authority
- Empakeni Tribal Authority

The public hearings were held in three municipal districts of Mpumalanga on 19 September 2008. The Honourable Members and officials of the Department of Roads and Transport were deployed to the public hearings that were arranged and held as follows:

DATE	Friday, 19 September 2008
VENUE	Eric Jiyane Hall, Middleburg
TIME	09:00
ATTENDANCE	72

DATE	Friday, 19 September 2008
VENUE	Difa Nkosi Hall, Leandra
TIME	09:00
ATTENDANCE	68

DATE	Friday, 19 September 2008
VENUE	Umjindi Community Hall, Umjindi Municipality
TIME	09:00
ATTENDANCE	95

4. STAKEHOLDERS INPUTS AND OBSERVATIONS

No written comments or submissions on the Bill were received from stakeholders. The Committee met on 26 September 2008, to deliberate on the Bill and to consider the views, comments and inputs by the public and interested stakeholders.

The following issues were raised that:

- The liability regarding overloading of motor vehicles must remain with the drivers of those vehicles and must not extend to owners of the vehicles¹;

¹ Section 19 of the Bill extends liability for overloading of motor vehicles to owners, managers, agents and employees.

0137661458

licences.

- The legitimacy of driving license issued in foreign countries:
- Some people felt that section 89 of the Bill which imposes a fine or imprisonment for a period not exceeding six years must be closely monitored in order to establish why a particular person committed the offence in the first place;
- Road signage must be clearly marked and visible to motorists;
- There must be uniformity regarding traffic fines nationally;
- Traffic officers must not conduct roadblocks or speed traps in positions detrimental to drivers as this might cause accidents; and
- There must be a clear distinction between a traffic officer and a traffic warden in the definitions of the Bill.

5. OBSERVATIONS MADE BY THE COMMITTEE

During the deliberations on the Bill, the Committee made the following observations:

- The Committee observed that there is a lack of uniformity regarding traffic officers' uniform and vehicles nationally;
- That emergency vehicles and escort services for VIP are abusing their sirens and that tighter measures should be put in place to manage this;
- The issue regarding the legitimacy of roadworthy certificates issued in a foreign countries; and
- The Committee noted with concern the issue relating to licences in the former TBVC states as most of these licences have not yet been converted.

In general the majority of stakeholders that attended the public hearing supported the Bill.

0137661458


delivery and the Committee referred them to the Municipalities' IDP, other Portfolio Committees and the Department of Roads and Transport.

6. RECOMMENDATION

The Committee recommends that the delegation representing the Province of Mpumalanga in the National Council of Provinces be conferred with authority and a mandate to negotiate in favour of the Bill.

7. CONCLUSION

The Chairperson wishes to thank Members of the Portfolio Committee on Public Works; Roads and Transport, support staff, officials from the Department of Roads and Transport who made sure that the public hearings were a success. Furthermore, the Chairperson wishes to extend a word of gratitude to all stakeholders who participated in the public hearings.



HON GS SINDANE
CHAIRPERSON: PORTFOLIO
COMMITTEE ON PUBLIC WORKS;
ROADS AND TRANSPORT

30th September 2008
DATE

0137661458



Enquiries: Mr D Mashego
Tel.: 013 766-1399

NEGOTIATING MANDATE NATIONAL RAILWAY SAFETY REGULATIONS [B32B-2008]

The Portfolio Committee on Public Works; Roads and Transport ("the Committee") deliberated on the National Railway safety Regulations [B32B-2008] ("the Bill").

After deliberations, the Committee supports the principles underlying the Bill, taking into account the observations of the Committee contained in the attached report.

The delegation representing the Province of Mpumalanga in the National Council of Provinces ("NCOP") is conferred with authority and a mandate to negotiate in favour of the Bill taking into account the observations of the Committee and the public submissions as indicated in the attached report.

Private Bag X 11289
Nelspruit 1200
Tel +27 13 766 1378
Fax + 27 13 766 1458
Building No 1, Mpumalanga
Government Complex
Riverside, Nelspruit
Mpumalanga Province
www.mpuleg.gov.za
dimams@mpuleg.gov.za

HON GS SINDANE
CHAIRPERSON: PORTFOLIO
COMMITTEE ON PUBLIC WORKS;
ROADS AND TRANSPORT

30-09-2008

DATE

0137661458

RAILWAY SAFETY REGULATOR AMENDMENT BILL [B32B-2008]

1. INTRODUCTION

In terms of section 42 (4) of the Constitution, the National Council of Provinces (the NCOP) represents provinces to ensure that provincial interests are taken into account in the national sphere of government. In line with the procedure provided in section 76 of the Constitution the National Assembly after passing the National Railway Safety Regulator Bill [B32B-2008] "(the Bill)" transmitted it to the NCOP.

2. OBJECTIVES OF THE BILL

The Bill seeks to:

- Amend certain definitions and to insert others;
- Extend the ambit of a threat to safety to include behaviour;
- Empower the Minister to include monorail systems, trans systems running in pneumatic tyres within the ambit of the Act;
- Empower the regulator to exempt railways;
- Clarify that operators are responsible for the promotion of railway safety;
- Empower the regulator to enter into informal arrangements with role players;
- Clarify the role of the operators associations;
- Clarify the role the Regulator in relation to the transportation of dangerous goods by rail;
- Provide that the Board approves the conditions of service of staff members;
- Empower the CEO to delegate his or her powers and duties;
- Provide that the regulator may charge fees for administering safety permits;
- Clarify the types of permits in connection with which standards may be imposed;
- Empower the CEO to appoint inspectors;
- Empower inspectors to audit, inspect and investigate the transportation by rail should a railway occurrence happen;

0137661458

- do so; and
- Provide for matters connected therewith.

3. METHOD OF WORK

The Speaker referred the Bill to the Committee and the permanent delegate representing the Province of Mpumalanga in the National Council of Provinces (NCOP), Hon. A Watson briefed the Committee on 10 September 2008.

In compliance with section 118(a) of the Constitution, the Committee decided to conduct public hearings in the three districts of the province on 19 September 2008.

Invitations were faxed and hand delivered to the following relevant stakeholders:

TAXI ASSOCIATIONS AND BUS COMPANIES

- Successful United Taxi Association, Hazyview
- White Hazy Taxi Association, Hazyview
- KwaNdebele Long Distance Taxi Association, KwaMhlanga
- Barberton Taxi Association
- Malelane Taxi Association
- Matsulu Taxi Association
- Topstar Taxi Association
- Bushbuckridge Taxi Association
- Mala Bus United Taxi Association (MBUTA)
- Thulamahashi Hluvuhukani Acornhoek Taxi Association (THATA)
- BUSCOR (Pty) Ltd
- Great North Transport
- Midbank Group of Companies
- Transnet Freight Ralls
- Mpumalanga Transport Bulk Freight.

MUNICIPALITIES AND CONSTITUENCY OFFICES

- Mkhondo Municipality – Gert Sibande District
- Mbombela Municipality – Ehlanzeni District
- Thembisile Municipality - Nkangala District
- Umjindi Municipality – Ehlanzeni District
- KwaMhlanga Constituency Office;
- Mkhondo Constituency Office;

0137661458

TRIBAL AUTHORITIES

- Embhuleni Tribal Authority
- Enkambeni Tribal Authority, KaMajika
- Gutshwa Tribal Authority
- Empakeni Tribal Authority

The Bill was advertised on the Sowetan Newspaper whereby the public was encouraged to submit their written inputs on or before 23 September 2008.

Honourable Members and officials of the Department of Roads and Transport were deployed to the public hearings that were arranged and held as follows:

DATE	Friday, 19 September 2008
VENUE	Eric Jiyane Hall, Middelburg
TIME	09:00
ATTENDANCE	72

DATE	Friday, 19 September 2008
VENUE	Difa Nkosi Hall, Leandra
TIME	09:00
ATTENDANCE	68

DATE	Friday, 19 September 2008
VENUE	Umjindi Community Hall, Umjindi Municipality
TIME	09:00
ATTENDANCE	95

4. WRITTEN SUBMISSION BY STAKEHOLDERS

The Portfolio Committee received a written submission from the Federation of Unions of South Africa ("FEDUSA"). The submission by FEDUSA was also presented to the Portfolio Committee on Transport in Parliament.

FEDUSA submitted the following:

- That the Railway Safety Regulator ("RSR") must be empowered to act on violations of occupational health and safety through their established co-operation with the

0137661458

- They propose that section 20 of the National Railway Safety Regulator must be broadened to compel the RSR to disclose instances where operators paid little or no attention to the safety of workers.
- They submit that a real safety concern involves the transportation of explosives;
- They further submit that protection measures to witnesses appearing before the Board should also be developed; and
- That whistleblowers provision be included in the Bill to protect employees of a Rail operator who brings attention to any unsafe condition.


Overall, FEDUSA agreed with most of the amendments pertaining to this Bill.

5. RECOMMENDATION

The Committee recommends that the delegation representing the Province of Mpumalanga in the National Council of Provinces be conferred with authority to vote in favour of the Bill.

6. CONCLUSION

The Chairperson wishes to thank Members of the Portfolio Committee on Public Works; Roads and Transport, support staff, officials from the Department of Roads and Transport who participated in the public hearings. Furthermore, the Chairperson wishes to extend a word of gratitude to all stakeholders who took part during the public hearings.



HON GS SINDANE
CHAIRPERSON: PORTFOLIO
COMMITTEE ON PUBLIC WORKS;
ROADS AND TRANSPORT

30th September 2008
DATE