



Northern Cape  
Provincial Legislature

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## Facsimile Transmission

To: Ms C Adams Fax: 086 512 1055

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From: Khanita Abrahams Date: 07 October 2008

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Negotiating Mandates

Re: [B32B-2008], [B39B-2008] Pages: 11

& [B51B-2008]

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Northern Cape  
Provincial Legislature

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Date: 2008-09-29

The Chairperson  
National Council of Provinces  
Hon MJ Mahlangu

### NEGOTIATING MANDATE FOR THE NATIONAL RAILWAY SAFETY REGULATION AMENDMENT BILL (B32B-2008)

#### 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Transport, Roads & Public Works, Hon TRS Tsikwe, tabled the Committee's negotiating mandate on the *National Railway Safety Regulation Amendment Bill [B32B - 2008]* as adopted by the Portfolio Committee on 25 September 2008.

#### 2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *National Railway Safety Regulation Amendment Bill [B32B - 2008]* to the Portfolio Committee on Transport, Roads & Public Works on 03 September 2008.
- 2.2 The Portfolio Committee received a briefing on the Bill from the Permanent Delegate to the NCOP, Hon JR Tau, at its meeting on 04 September 2008.
- 2.3 The Portfolio Committee resolved to hold public hearings on the referred Bill in Kimberley, Britstown, Springbok, Upington and Kuruman to solicit the views of the affected

beneficiary communities and stakeholders with regard to the ***National Railway Safety Regulation Amendment Bill [B32B – 2008]***.

**FIVE (5)** public hearings were held on 10 September 2008 as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature on their views.

On **25 September 2008**, the Portfolio Committees on Transport, Roads & Public Works deliberated and considered the ***National Railway Safety Regulation Amendment Bill [B32B – 2008]***.

## **2.4 VIEWS OF THE PUBLIC ON THE BILL**

- The Public supports the idea of safety officers in the trains at all times.
- SAPS must work in partnership with train safety officers.
- The number of passengers a train can carry must be regulated.
- Safety of passengers in trains is compromised by overcrowding.
- Put mechanisms in place to stop the abuse of alcohol in trains or stop the sale of it (alcohol).
- SAPS must work in liaison with train securities.
- Railway lines and stations must be properly secured with fencing for the safety of people living nearby.
- Railway stations must always have their lights on to ensure the safety of commuters.
- Ensure the visibility of railway lines at crossings or pedestrian routes.

## **2.5 COMMITTEE CONCERNS**

Memorandum on the objects of the Bill –

In the clause-by-clause explanation, the explanatory memo does not tally with the clause in the Bill, it seems that the later amendments to the Bill had not been effected in the memo

as well. This may disadvantage a reader who solely relies on the memo as a summary of the Bill and such a person may thus be misinformed on the contents of the Bill.

## 2.6 KEY DETERMINING PRINCIPLES

The public hearings held by the Portfolio Committee were successful.

The public that attended the public hearings did not oppose the Bill.

## 3. PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE

After due deliberation, the Portfolio Committee on Transport, Roads & Public Works supports the Bill.

## 4. ADOPTION OF THE BILL

The Committee adopted this negotiating mandate..

The Legislature mandates the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the concerns raised by the Committee as well as those of the public.

  
HON. C. SEOPOSENGWE  
SPEAKER



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### NEGOTIATING MANDATE FOR THE NATIONAL ROAD TRAFFIC AMENDMENT BILL [B39B –2008]

#### 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Safety & Liaison, Hon C De Beer, tabled the Committee's negotiating mandate on the **National Road Traffic Amendment Bill [B39B - 2008]** as adopted by the Portfolio Committee on 25 September 2008.

#### 2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the **National Road Traffic Laws Amendment Bill [B39B - 2008]** to the Portfolio Committee on Safety & Liaison on 04 September 2008.
- 2.2 The Portfolio Committee received a briefing on the Bill from the Northern Cape's Permanent Delegate to the NCOP, Hon P Tau on 05 September 2008.
- 2.3 The Portfolio Committee resolved to hold public hearings on the referred Bill in Okiep, Britstown, Kuruman, Upington and Kimberley to solicit the views of the affected beneficiary communities and stakeholders with regard to the **National Road Traffic Laws Amendment Bill [B39B – 2008]**.
- 2.4 Five (5) public hearings were held on 10 September 2008 as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature on their views.
- 2.5 On 25 September 2008, the Portfolio Committees on Safety & Liaison deliberated and considered the **National Road Traffic Laws Amendment Bill [B39 B - 2008]**.

### 3. PUBLIC INPUTS ON THE BILL

- The Committee must revisit the issue of impounding of vehicles because the municipalities do not have the necessary facilities to exercise this function.
- Amend clause 2 – use the phrase appointment cards instead of name tags.
- Traffic Officers must carry positive identification cards at all times.
- Licence point systems must be clarified in instances where somebody else drives another person's car and commits an offence.
- The taxi owners should take responsibility for taxis that are not roadworthy, rather than the taxi drivers.
- Driving school fees should be regulated.
- The Department of Transport should afford matric students opportunities to have free Drivers' licence and learnership to alleviate unemployment.
- Ensure the visibility and accessibility of testing centres in all municipalities.
- Police officers and traffic officers that disregard the speed limits and rules of the road must be dealt with accordingly.
- Lack of monitoring at testing centres is a cause for concern, as people are overcharged. Traffic officers are in cahoots with communities over this issue
- Testing fees must be the same amount in all testing centres.
- School patrols should be implemented in all schools.
- The procedure of becoming a reserve traffic officer should be the same in all provinces
- Traffic officers should be visible 24 hours as most of the accidents happen after hours when there are no traffic officers on duty.
- Quadricycle for disabled persons should be afforded licences to be used on the road.
- Visually impaired people who can afford to buy and register cars in their names should be afforded that opportunity if they have drivers.
- Continuous public awareness should be encouraged.
- Majority of the public supported the Bill.

#### 4. COMMITTEE INPUTS ON THE BILL

4.1 The bill must address the uniform system in terms of colour and design.

#### 5. LEGAL TECHNICAL INPUTS ON THE BILL

5.1 Clause 7 (b) it is not clear what is meant by "any unauthorised aid" during a test for learner's licence, and that may be clarified in the context.

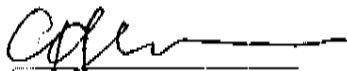
#### 6. PORTFOLIO COMMITTEE POSITION ON THE BILL

After due deliberation, the Portfolio Committee on Safety & Liaison supports the Bill.

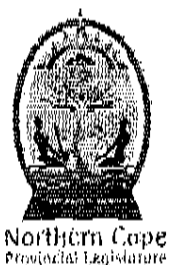
#### 7. COMMITTEE ADOPTION OF THE BILL

The Legislature adopted this negotiating mandate.

The Legislature mandates the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill.



HON. C. SEOFOENGWE  
SPEAKER



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### NEGOTIATING MANDATE FOR THE NATIONAL LAND TRANSPORT BILL [B51B-2008]

#### 1. INTRODUCTION

The Chairperson of the Portfolio Committee on Transport, Roads & Public Works, Hon TRS Tsikwe, tabled the Committee's negotiating mandate on the *National Land Transport Bill [B51B - 2008]* as adopted by the Portfolio Committee on 25 September 2008.

#### 2. PROCESS FOLLOWED

- 2.1 The Speaker of the Northern Cape Provincial Legislature, on receipt, referred the *National Land Transport Bill [B51B - 2008]* to the Portfolio Committee on Transport, Roads & Public Works on 03 September 2008.
- 2.2 The Portfolio Committee received a briefing on the Bill from the Permanent Delegate to the NCOP, Hon JR Tau, at its meeting on 04 September 2008.
- 2.3 The Portfolio Committee resolved to hold public hearings on the referred Bill in Kimberley, Britstown, Springbok, Upington and Kuruman to solicit the views of the affected beneficiary communities and stakeholders with regard to the *National Land Transport Bill [B51B - 2008]*.



**FIVE (5)** public hearings were held on 10 September 2008 as per Committee resolution and both written and oral submissions were called for. The public engaged with the Members of the Provincial Legislature on their views.

On **25 September 2008**, the Portfolio Committees on Transport, Roads & Public Works deliberated and considered the ***National Land Transport Bill (B32B – 2008)***.

#### **2.4 VIEWS OF THE PUBLIC ON THE BILL**

- Clause 53 (C) which deals with the exemptions of holding operating licenses, must be removed from the Bill because farmers transport farm workers using trucks and bakkies.
- Government should give retirement bonus of R100 000 to taxi operators leaving the business.
- Lift-clubs must be regulated by the local traffic officers for there is no guarantee as to the roadworthiness of such vehicles.
- Application for temporary licenses should be regulated in all the areas.
- Government must appoint more traffic officers to guarantee the safety of passengers.
- Government must consider broadening narrow provincial roads.
- The National Assembly must specify the type of transport in which learners are supposed to be transported with, in order to ensure the safety of learners.
- The prescribed period of operating licenses which is seven years, is not long enough.
- The National Assembly must counter irregularities which occur in the issuing of operations licenses.
- Institutional arrangements – every municipality must have permit authority as well as testing stations, not just big municipalities.
- Propose a clause or measure to guard against the misuse of ambulances for public transport.

## 2.5 COMMITTEE CONCERNS

- The long title to the Bill should ideally indicate that this Bill repeals amongst other, the Land Transport Transition Act, 2000 (Act No. 22 of 2000).
- **Clause 24(2)** – A period should be determined within which the MEC must take the action as mentioned, because the current wording “As soon as possible after ...” can cause lengthy delays.
- Furthermore “(relevant) operating licensing board” needs to be defined.
- **Clause 77** The reference to clause 67 in this clause seems to be incorrect, since clause 67 deals with charter services.
- Capacity of municipalities (planning authorities) to comply with responsibilities and obligations bestowed in terms of the bill?
- Matter of concern that Memorandum on the bills particularly the clause by clause analysis, had not been updated in line with the later draft of the Bill, resulting in the numbering being incorrect and also that information contained in the memo does not tally with that in the Bill.
- This is particularly dangerous in the sense that several users prefer to read only the memo and such individuals may have been misinformed on the contents of the Bill.

## 2.6 KEY DETERMINING PRINCIPLES

The public hearings held by the Portfolio Committee were successful.

The public that attended the public hearings did not oppose the Bill.

### 3. PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE

After due deliberation, the Portfolio Committee on Transport, Roads & Public Works supports the Bill.

### 4. ADOPTION OF THE BILL

The Legislature adopted this negotiating mandate.

The Legislature mandates the Permanent Delegates to participate in deliberations at the negotiating stage and to support the Bill, taking note of the concerns raised by the Committee as well as those of the public.



HON C SEOPOSENGWE  
SPEAKER