



## NORTH WEST PROVINCIAL LEGISLATURE

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### REPORT ON NEGOTIATING MANDATE ON THE:

SUBMISSION ON PUBLIC HEARINGS WITH REGARD TO  
NATIONAL ROAD TRAFFIC AMENDMENT BILL [B 39B-2008],  
NATIONAL LAND TRANSPORT BILL [B 51B-2008] AND  
NATIONAL RAILWAY SAFETY REGULATOR AMENDMENT BILL  
[B 32B-2008]: PORTFOLIO COMMITTEE ON TRANSPORT,  
ROADS AND COMMUNITY SAFETY

## **1. Introduction**

- ❖ The Portfolio Committee on Transport, Roads and Community Safety has embarked on Public Hearings with regard to the National Railway Safety Regulator Amendment Bill, National Road Traffic Amendment Bill and National Land Transport Bill in Wolmaranstad (Dr. Kenneth Kaunda), Lichtenberg (Ngaka Modiri Molema), Taung (Dr. Ruth Mompati) and Brits (Bojanala region).

## **2. The purpose of the Bills**

### **2.1 National Railway Safety Regulator Amendment Bill**

- ❖ The Bill seeks to amend the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) ("the Act"). The Act established the Railway Safety Regulator (RSR) which provides safe railway systems and operations. The Act has been in operation since 20 September 2002, and in the process of implementing it certain amendments to the Act have become necessary.

### **2.2 National Road Traffic Amendment Bill**

- ❖ The Bill proposes to give effect in the short term to some of the principal strategies contained in the Road to Safety Strategy 2001-2005. The Bill implements the strategic interventions highlighted in the Road to Safety Strategy. Furthermore, it deals with the fraudulent activities within the issuance of driving licences and roadworthy certificates and with curbing the incidences of criminal activities by or in relation to motor vehicles or their operation on public roads. The Bill amends certain definitions and also provides some new definitions.

### **2.3 National Land Transport Bill**

- ❖ The purpose of the Bill is to provide for the final transformation and restructuring of national land transport system. The main focus of the Bill

is on public passenger transport, which is defined as including all land transport modes: road as well as rail. The Bill does not deal with rail institutional and infrastructural issues. It provides for the incorporation of rail service level planning and liaison between planning authorities and the South African Rail Commuter Corporation. The Bill does not generally deal with freight issues, except in regard to planning freight routes for transporting dangerous goods.

### 3. HIGHLIGHTS IDENTIFIED BY THE PORTFOLIO COMMITTEE.

- ❖ The Portfolio Committee has highlighted that National Road Traffic Amendment Bill does not have clauses on the followings:
  - Sensitive issues on disability or physically challenged people.
  - Adaptability of vehicles is vital important for driving.
  - Driving schools and testing grounds are not considered, for the identified group.
  - Women should be given 50/50 chances to participate in the taxi industry for economic activities / measures.

### 4. RESOLUTIONS:

- The Committee having considered the Bills, the following(a) are proposed:

#### 4.1 NATIONAL RAILWAY SAFETY REGULATOR AMENDMENT BILL

Definition:

Insert definition of behaviour

Insert provision on fencing for Network and Station

Role on investigation of accidents, involving private people on railway premises should be clarified.

#### **4.2 NATIONAL ROAD TRAFFIC AMENDMENT BILL**

**Definitions:**

**Insert**

- (i) Traffic officers uniform (ii) Distinguishable marks and (iii) Behaviour ( in case of accident)

**Comments**

Section 3K, make provision for manufacturers and tailors not to sell traffic uniform to private individuals.

Section 17 (b) include provision for penalty on an Official who may provide aid material during the testing.

**Section (21)**

Section further to make provision to give first preference to the local residents

Section 58 & 60 consider the misuse of this provision by drivers of emergency vehicles

Section 74A should be stricter on the consigner

#### **4.3 NATIONAL LAND TRANSPORT BILL**

**Definitions**

Adapted light delivery vehicle to read the same in the Road Traffic Act.

**Comments:****a. Subsidy**

The Bill is silent on subsidisation of the mini/midi bus taxi type service.

**b. Association.**

The NLTTA 22(2000) catered for formation of Associations and legal status thereof, but this bill is silent on this state of affairs. Associations' standard set of rules e.g. Constitution should be catered for.

**c. Transport registrar.**

NLTTA made provision for Provincial Transport Registrar and development of Registrar Administration System referred as (RAS). This Bill is silent on this scenario.

**d. Law enforcement (chapter 7)**

The Bill is silent about the interest of law enforcement in the taxi business.

- Recommendation: Law enforcement officials and their immediate families should not own taxis.

**e. Lift clubs.**

Lift clubs are recipe for conflict as and commute workers for reward under the pretext of lift clubs. There should be a clear distinction between private use and those operating for reward.

**f. Exemption (SEC.53)**

For equal benefit from the SA economy each entity must focus on its core business e.g. mining, hospitals. Services that are not related to the core business like transport should be outsourced to allow legitimate Public Transport Operators to continue with their core business.

**g. Public Transport months.**

The Bill should have provision for Public Transport months based on promotion of the following:

- Relief traffic congestion.
- Reduction of pollution.

**h. Operating licences.**

Operating licences should be issued to all mini/midi bus taxi type in accordance with the current recapitalization.

**i. Transport regulatory entities.**

Recommendations:

- This function should be limited to Provincial Transport Regulatory entity and not Municipalities because it lacks capacity and conflict of interest.
- Operating licensing boards and Provincial Transport Registrars should be maintained for impartially purposes.

**j. Electronic fare collection**

- Electronic fare collection is the till of public transport operator and therefore, should be owned and controlled by Service Providers and /or operators.
- Intermodal Electronic Management System that is friendly to bankcards should be used.

**k. Rationalization of mini/midi busses**

Recommendation:

- Rationalization should be centralized at the Provincial level for continuity purposes for taxi transformation.

**l. Negotiated contracts: recommendation**

- Historically disadvantaged operators should be given first preference on negotiated contracts.

m. Municipality should not be **given the powers** to issue operating licences.

n. **Validity of operators licences:** should be indefinite and not valid for / years.

o **Cross boarder agencies:** should be incorporated into National Regulatory Entity for uniform control purposes.

p. **Scholar transport** (chapter 6), those regulations should be finalized before the Act comes into action

The Portfolio Committee supports all three Bills and adopts them except for the changes mentioned-above.

Yours faithfully,

  
HON. M. MOILOA

CAHIRPERSON: TRANSPORT, ROADS & COMMUNITY SAFETY  
PORTFOLIO COMMITTEE



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