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Date: 2008-09-29

The Chairperson
National Council of Provinces
Hon MJ Mahlangu

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.

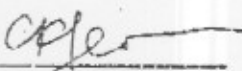
3. PORTFOLIO COMMITTEE POSITION AT THE NEGOTIATING STAGE

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



NORTH WEST PROVINCIAL LEGISLATURE

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26 SEPTEMBER 2008

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 Mompoti) 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.

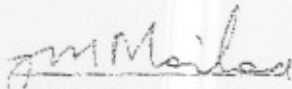
n. Validity of operators licences: should be indefinite and not valid for / years.

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

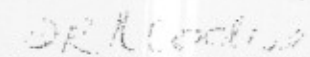
p. Scholar transport (chapter 6), those regulations should be finalized before the Act comes into action

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


HON. THANDI MODISE

SPEAKER: NORTH WEST PROVINCIAL LEGISLATURE

Wes-Kaapse Provinsiale Parlement
Western Cape Provincial Parliament
IPalamente yePhondo leNtshona Koloni



NEGOTIATING MANDATE OF THE NATIONAL LAND TRANSPORT BILL
[B51B-2008] (NCOP)

Negotiating mandate of the Western Cape Provincial Parliament on the *National Land Transport Bill [B51B-2008]* (NCOP), as resolved by the Standing Committee on Finance and Economic Development on 9 October 2008.

The Standing Committee on Finance and Economic Development, having considered the subject of the *National Land Transport Bill [B51B-2008]* (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill with the following amendments and recommendations:

Clause 20

On page 13, in line 11, after "Department", to insert:

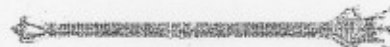
or other appropriate persons selected by the Minister,

Clause 23

On page 19, in line 14, after "department", to insert:

or other appropriate persons selected by the MEC,

The Committee noted the submission contained in the attached document (Annexure 1) which purports to be submitted by the Western Cape Provincial Department of Transport and Public Works and expressed concern that it was introduced and presented to the Committee by an official of the Provincial Legislature of Gauteng. The Committee did not consider the submissions and recommends that it be referred to the National Department of Transport for consideration.



During the Provincial public hearing on the Bill, the attached submission (Annexure 2) was received from Mr D Munton which the Committee recommends to be considered for possible inclusion in the Bill.

A handwritten signature in dark ink, appearing to be 'SE Byneveldt', written over a circular stamp or seal.

SE BYNEVELDT
SPEAKER
13 OCTOBER 2008