



**EASTERN CAPE PROVINCIAL LEGISLATURE**  
Procedural Support Services

**Contact Details**

Tel: (040) 609 2556

Cell: 082 562 4582

Fax: (040) 639 3214

E-mail: [sgoyise@ecleg.gov.za](mailto:sgoyise@ecleg.gov.za)**Postal Address**

Private Bag X0051

BHISHO

5608



Enquiries: Siviwe Goyise

Date: 06 Oct 2006

**PORTFOLIO COMMITTEE ON ROADS & TRANSPORT**

Final Mandate on National Land Transport Transition Amendment Bill [B38D-2005]

1. **Terms of reference**

The Portfolio Committee on Roads & Transport was requested by the National Council of Provinces to decide on whether the Committee agrees or disagrees with the changes made to the National Land Transport Transition Bill Amendment by the Portfolio Committee on Transport of the National Assembly.

2. **Method of Work**

The Committee convened a meeting on the 20 September 2006 to discuss the changes made to the Bill as well to check whether the changes do not materially alter the final mandate of the Committee.

The Committee was briefed by officials from the Department of Transport, Pretoria

3. **Resolutions**

The Committee resolved that:

- (1) That the changes to the National Land Transport Transition Amendment Bill do not alter the position of the Eastern Cape.
- (2) The changes to the Bill are necessary for the effective implementation of the Bill.
- (3) The Portfolio Committee on Roads & Transport supports and agrees with the changes to the Bill.

**Hon. S.N.G. Tolashe**  
**Chairperson: Roads and Transport**  
**Eastern Cape Provincial Legislature**



**PORRTFOLIO COMMITTEE ON PUBLIC WORKS, ROADS & TRANSPORT**

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**Report on negotiating mandate on the National Land Transport  
Transition Amendment Bill [B38D – 2005]**

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**1. Terms of reference**

The **National Land Transport Transition Amendment Bill [B38D – 2005]** has been referred to the Public Works, Roads and Transport Committee by the Speaker on 5 September 2006.

**2. Briefing**

- a) On 28 September 2006 Mr. C. J. van Rooyen, an NCOP Permanent Delegate, briefed the Committee on the contents of the **National Land Transport Transition Amendment Bill [B38D – 2005]** as amended;
- b) Assistant Legal Advisor, Mr. T. Malakoane of the Free State Legislature further briefed the Committee on the Legal substance and effects of the Bill;
- c) On 10 October 2006 the Committee further met the National Department of Transport to finalize the negotiating mandate on this Bill.

**3. Consultation**

The Committee resolved not to extend invitation to the organized stakeholders and the general public.

**4. Consideration**

The Committee considered the amended Bill and further proposed the following amendment on the **National Land Transport Transition Amendment Bill [B38D – 2005]**:

**Clause 5**

To delete "metropolitan" before "municipalities".

Motivation: Reference to metropolitan municipalities excludes and discriminates against other municipalities such as local and district as municipalities that may enter into a subsidized service contract with a public transport operator. The assumption created is that only a metropolitan municipality can enter into a subsidized service contract to the exclusion of any other municipality.

**5. RESOLUTION**

The Committee recommends that:

- (a) Authority be conferred to the Free State Delegation, to vote for the adoption of the Bill with the aforementioned amendment.

  
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**Mr. H. Nkomo**

Chairperson: Public Works, Roads & Transport Committee  
Free State Legislature

10 October 2006



# GAUTENG LEGISLATURE

**PUBLIC TRANSPORT, ROADS AND WORKS COMMITTEE**  
**On the**  
**FURTHER AMENDMENTS TO THE NATIONAL LAND TRANSPORT**  
**TRANSITION AMENDMENT BILL [B38D-2005] –(Section 76)**

16 October 2006

**1. INTRODUCTION**

The Chairperson of the Gauteng Portfolio Committee on Public Transport, Roads & Works tables the Committee's report on the National Land Transport Transition Amendment Bill [B38D-2005] as follows:

**2. PROCESS FOLLOWED**

On the 09 June 2006, the Gauteng Public Transport, Roads and Works Committee (Committee) recommended to the House a Final Voting Mandated in favour of the National Land Transport Transition Amendment Bill [38B-2005], which was subsequently passed by the NCOP on 14 June 2006 with amendments and referred to the National Assembly for concurrence.

On the 23 August 2006, the Portfolio Committee of the NA reported the bill with further amendments for adoption by the NA and referral back to the NCOP for consideration of the NA's further proposed amendments to the bill.

The Speaker on 28 August 2006, referred the NA's further proposed amendments as received from the Chairperson of the NCOP, to the Committee, which in terms of the Constitution, the NCOP should either accept or reject those amendments, through mandates of provincial legislatures.

The committee on 8<sup>th</sup> September 2006, convened a special meeting to deliberate on the further amendments to the National Land Transport Transition Amendment Bill [B38D-2005], and adopted their report in support of the amendments as proposed by the NA.

On the 18 September 2006 the Committee adopted the report on the National Land Transport Transition Amendment Bill [B38D-2005]

**3. ESSENCE OF PROPOSED AMENDMENTS**

The further proposed amendments seek to –

- I) clarify the term association as used in the Act to relate only to Minibus Taxi type services and that they may make their own legislation to register other modes
- II) scrap clause 20 and that they propose, new section 91A not be inserted at this stage

**4. FACILITATION OF PUBLIC INVOLVEMENT**

Public Involvement was not facilitated due to the following:

- i) no amendment/s or new matter can be proposed to the bill;
- ii) final mandates were already conferred by provincial legislatures which led to the passage of the bill by the NCOP on 14 June 2006;
- iii) consideration of the bill by provincial committees should be on the further proposed amendments by the NA as required by the Constitution.

**5. FINANCIAL IMPLICATIONS OF THE PROPOSED AMENDMENTS FOR THE PROVINCE**

The amendment bill [B38D-2005] does not propose any significant amendments that will have a direct financial bearing on the Department or the Province of Gauteng, however the amendment bill will necessitate that (we) also amend our provincial legislation because we need to constantly align our Provincial legislation with National policy as previously stated.

There are costs involved in the amendment of any piece of legislation and the GPPRTA will be no exception. The Department has made financial provision for the amendment of the GPPRTA in its budgetary process through the relevant directorate.

**6. SOCIAL IMPLICATIONS OF THE PROPOSED AMENDMENTS FOR THE PROVINCE**

In the Province of Gauteng operators use light delivery vehicles (LDV's) for the conveyance of people particularly learners for a reward. These LDV's are still to be modified or adapted in terms of the Road Traffic Act or Regulations.

The Department is been reliably informed by colleagues at the SABS that the costs of modifying or adapting an LDV are astronomical, therefore, it would be difficult if not impossible for operators to modify these LDV's so as to qualify for operating licences. Operators conduct their business without operating licences because the Gauteng Operating Licence board cannot issue operating licences for such vehicles.

In Gauteng Province had proposed a process together with operators using LDV's that would give operators an opportunity to replace these LDV's with more acceptable vehicles. The reality of the situation here is that, in terms of clause 15(1) of the amendment bill [B38D-2005] the Minister may make this determination any time and that would imply that LDV's automatically became illegal and law enforcement officers will impound them. The Department foresee a social upheaval if law enforcement agencies begin to impound these LDV's. Statistically the use of LDV's in the Province of Gauteng is wide spread and that translates into thousands of learners ferried with these LDV's daily to and from school.

The Department suggested to the Portfolio Committee that this problem be attended to with the proviso that the Minister allows a 'cooling-off' period for operators who use LDV's for public passenger road transport services, for the transportation of learners in particular, to replace these LDV's with more acceptable vehicles.

**7. FINAL POSITION ADOPTED BY COMMITTEE**

The Portfolio Committee on Public Transport, Roads & Works recommend that the House support the amendments to the National Land Transport Transition Amendment Bill [B38D-2005], as proposed by the National Assembly and mandates the Gauteng Delegation to the NCOP to **Vote in favour** of the amendments.