



IPHALAMENDE LAKWAZULU-NATALI



KWAZULU-NATAL PROVINSIALE PARLEMENT

KWAZULU-NATAL PROVINCIAL PARLIAMENT

TO: THE CHAIRPERSON,  
NATIONAL COUNCIL OF PROVINCES

**FINAL MANDATE**

PROVINCE : KWAZULU-NATAL  
BILL : NATIONAL LAND TRANSPORT  
TRANSITION AMENDMENT BILL  
[B38D - 2005]  
DATE: : Thursday, 12 October 2006

**PROVINCIAL PROCESS :**

Provincial Portfolio Committee/s : Transport Portfolio Committee  
Portfolio Committee meeting date/s : Tuesday, the 10<sup>th</sup> of OCTOBER 2006  
Provincial NCOP meeting date/s : Thursday, the 12<sup>th</sup> of OCTOBER 2006  
Consultation : Parliamentary Legal Advisors, Special & Permanent Delegates

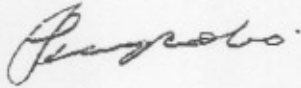
**VOTE OF THE KWAZULU-NATAL PROVINCIAL LEGISLATURE:**

The Provincial Standing Committee on National Council of Provinces Matters met today, Thursday, 12<sup>th</sup> October 2006, & agreed to mandate the KwaZulu-Natal delegation to the National Council of Provinces to support the National Land Transport Transition Amendment Bill [B38D - 2005].

The delegation is further mandated to consider any additional amendments, providing that-

- 1) the amendment/s does/do not alter the essential elements of the Bill; and
- 2) consensus is reached on the proposed amendment/s by the KwaZulu-Natal delegation.

PROVINCIAL ENDORSEMENT



Thursday, the 12<sup>th</sup> October 2006

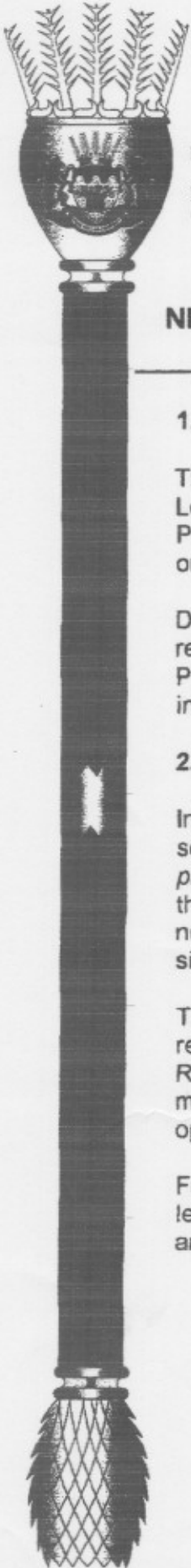
**Mrs LG Ngcobo**  
CHAIRPERSON:  
KWAZULU-NATAL STANDING COMMITTEE ON  
NATIONAL COUNCIL OF PROVINCES MATTERS

DATE

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# Limpopo Legislature

## OFFICE OF THE SECRETARY



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Polokwane  
0700

### **PORTFOLIO COMMITTEE ON ROADS & TRANSPORT NEGOTIATING MANDATE ON NATIONAL LAND TRANSPORT TRANSITION BILL [B 38D – 2005]**

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#### **1. INTRODUCTION**

The National Land Transport Transition Bill 2005 was referred to the Legislature by the National Council of Provinces. Upon receipt by the Provincial Legislature, the Bill was further referred to the Portfolio Committee on Roads and Transport for consideration.

Due to insufficient time given to provinces for consultations, the Bill was again referred back by the NCOP's Select Committee on Public Services to the Portfolio Committee on Roads and Transport for reconsideration and further input.

#### **2. PURPOSE OF THE BILL**

In the main, the Bill seeks to effect additional changes on the definition of some concepts such as 'association' to include 'any group of persons formed primarily for the operation of a public transport services', thereby bringing into the fold all other modes of transport. These additional definitions were necessary because some were not clear and they had to be reviewed and simplified for proper transport planning regime.

The Bill also makes provision for new type of taxi vehicle for taxi recapitalization; extend responsibilities of the Ministers, MEC's, Transport Registrar and Operating License Board. The Bill also intended to regulate metered taxis, conveyance of passengers by LDVs and Trucks, including operating licenses for tourist services.

Further than this, the Bill also covers issues relating to skills development legislation, provisions for local government laws on preferential procurement and transport planning processes.

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### 3. BRIEFING BY NCOP DELEGATES

The Permanent Delegate from the National Council of Provinces had earlier briefed Members of the Portfolio Committee on Roads and Transport on the implications of the Bill in its entirety.

The briefing was further followed by a presentation by the Provincial Department of Roads and Transport focusing mainly on areas which would have an impact in the province and resources available to implement the Bill once passed into law.

On the basis of this briefing and departmental presentation, the Portfolio Committee on Roads and Transport felt that Bill needs to be subjected to public hearings to solicit views of all key stakeholders.

### 4. PUBLIC HEARINGS

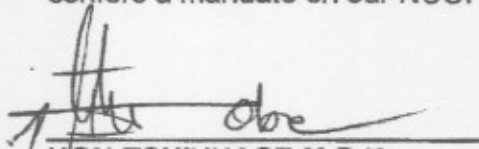
To solicit the views of the public and stakeholders on the Bill, the Portfolio Committee conducted two public hearings in the province attended by all key stakeholders in the transportation industry. The public hearings took place in Capricorn and Vhembe Districts of the province, drawing stakeholders from all other three Districts of Waterburg, Sekhukhune and Mopani.

While majority of participants throughout the public hearings demonstrated fair understanding of the Bill, the recapitalization process sometimes confused the process of the Bill itself.

Regarding the extension of certain time limits, it was submitted by some that the current 7 year period for tendered contracts does not guarantee for BEE and there is no clarity as to what must happen after the period. The period is also not linked to the duration of operating licenses. In this regard, a submission was made that the 7 year period for tendered contracts should be extended to 10 years.

### 5. NEGOTIATING MANDATE

Having considered the Bill, the Portfolio Committee on Roads and Transport confers a mandate on our NCOP Delegates to negotiate in favour of the Bill.



HON TSHIVHASE M P K

CHAIRPERSON: PORTFOLIO COMMITTEE ON ROADS & TRANSPORT

### OFFICE OF THE SPEAKER



Enq.:Adv. Eric Phindela  
Tel.: (013) 766-1397

### FINAL MANDATE

#### **NATIONAL LAND TRANSPORT TRASITION AMENDMENT BILL [B38D-2006]**

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Nelspruit 1200  
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Building No 1, Mpumalanga  
Government Complex  
Riverside, Nelspruit  
Mpumalanga Province  
[www.mpuleg.gov.za](http://www.mpuleg.gov.za)

The Permanent delegates representing the Province of Mpumalanga in the National Council of Provinces are conferred with authority to vote in favour of the Bill.

**YN PHOSA**  
**Speaker: Mpumalanga**  
**Provincial Legislature**

*16.10.06.*  
**DATE**



## NORTH WEST PROVINCIAL LEGISLATURE

Legislature Building  
Dr James Moroka Drive  
Private Bag X2018  
MMAABATHO  
2735

12 October 2006

### PORTFOLIO COMMITTEE ON TRANSPORT, ROADS AND COMMUNITY SAFETY

#### Report on Negotiating Mandate on the National Land Transport Transition Amendment Bill [B38 D – 2005]

#### 1. TERMS OF REFERENCE

The above mentioned Bill was referred to the Portfolio Committee for consideration as a matter of priority.

#### 2. BRIEFING

On the 21<sup>st</sup> October 2006, Hon Moatshe, NCOP Permanent Delegate, briefed the members of the Portfolio Committee on Transport, Roads and Community Safety on the above Bill.

#### 3. CONSIDERATION

Public hearings were held when the Bill was at the NCOP level after the National Assembly Portfolio Committee amendments and it seemed to the Committee that important stakeholders had made inputs at those hearings.

The Committee decided to hold a public hearing concerning amendments made by the National Assembly Portfolio Committee. Stakeholders were invited and made their inputs.

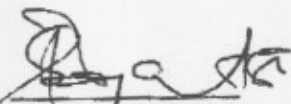
#### 4. RESOLUTION

The Committee, having considered the Bill resolved that:

- a. The Bill seems to use different terms, such as "**modified**" and "**adapted**" interchangeably, and it is important that a single term should be used consistently to convey a particular meaning.

- b. If two distinct meanings are intended, then two different terms could be used, and it would be appropriate to define the specific meaning assigned to those terms in the definitions section of the Bill. It is important to use terms consistently in order to promote clarity in the legislation.
- c. In clause 13(b), the word "**motor vehicle**" used in the amendments seems to include a very wide range of vehicles within the ambit of the provision, as the term is defined very broadly in the National Road Traffic Act 93 of 1996. The Committee was concerned that the use of the term "motor vehicle" might potentially be too broad a term, and might bring certain vehicles under the scope of the provision, which it was not intended to apply to. For example, would people using cars in car pooling arrangements to travel to work fall under this provision?
- d. In respect of clause 13(b), the Committee was also concerned whether the provision, as it is currently worded, might potentially not produce the intended result as stated by the National Assembly Committee that it was not intended to ban tourist services and other unscheduled services which do not compete with scheduled services. It seems that unless all such other services are actually specified within a transport plan then they would be prohibited. It would seem to be possible that by some oversight, not all unscheduled services which do not compete with scheduled services would be specified in a transport plan, and then those services which are not specified would be prohibited, even if they were not competing with scheduled services. The term "commute service" is also not defined in the legislation, and it should be, in order for it to be clearly determined exactly who this provision would apply to.
- e. In respect of clause 5(d), the Committee was concerned about the capacity of the Municipalities to draft the required transport plans and whether they would have the budget to fund the drafting of transport plans.

Regards,



AP HON. M. MOILOA  
CHAIRPERSON: TRANSPORT, ROADS AND COMMUNITY SAFETY  
PORTFOLIO COMMITTEE

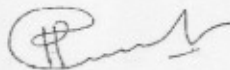
# FINAL MANDATE

## WESTERN CAPE PROVINCIAL PARLIAMENT

### COMMITTEE REPORT:

Report of the Standing Committee on Finance and Economic Development on the *National Land Transport Transition Amendment Bill [B38D - 2005]* NCOP, dated 11 October 2006, as follows:

The Standing Committee on Finance and Economic Development, having considered the subject of the *National Land Transport Transition Amendment Bill [B38D - 2005]* NCOP, referred to the Provincial Parliament in terms of the Rules of the National Council of Provinces, (NCOP), begs to report that it confers on the Western Cape's delegation in the NCOP the authority to support the Bill.



**JOHAN GELDERBLOM  
ACTING CHAIRPERSON**