

REPUBLIC OF SOUTH AFRICA

**SELECT COMMITTEE AMENDMENTS
TO
ROAD TRAFFIC MANAGEMENT
CORPORATION BILL**

[B 6—99]

(As agreed to by the Select Committee on Public Services (National Council of Provinces))

[B 6A—99]

REPUBLIEK VAN SUID-AFRIKA

**GEKOSE KOMITEE-AMENDEMENTE
OP
WETSONTWERP OP DIE
PADVERKEERSBESTUURS-
KORPORASIE**

[w 6—99]

(Soos goedgekeur deur die Gekose Komitee oor Openbare Dienste (Nasionale Raad van Provinsies))

[W 6A—99]

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AMENDMENTS AGREED TO
ROAD TRAFFIC MANAGEMENT CORPORATION BILL
[B 6—99]

CLAUSE 1

1. On page 8, after line 12, to insert:
 - (x) “local government body” means a metropolitan, district or local municipality as contemplated in the Local Government: Municipal Structures Act, 1998 (Act No. 117 of 1998); (xvi)
2. On page 8, in line 34, after “service” to insert “which”.
3. On page 8, in line 39, after “1995” to insert “(Act No. 68 of 1995)”.

CLAUSE 2

1. On page 8, after line 43, to insert:
 - (a) to establish the Road Traffic Management Corporation as a partnership between national, provincial and local spheres of government by—
 - (i) effecting the pooling of road traffic powers of the Minister and every MEC and the resources of national and provincial spheres of government responsible for road traffic management, in support of enhanced co-operative and co-ordinated road traffic strategic planning, regulation, facilitation and law enforcement;
 - (ii) strengthening national and provincial governments’ collective capacity to govern road traffic through partnerships with local government bodies and the private sector; and
 - (iii) focussing government on effective strategic planning, regulation, facilitation and monitoring;
2. On page 10, from line 11, to omit paragraph (j).

CLAUSE 6

1. On page 10, in line 47, to omit “a representative” and to substitute “two representatives”.

CLAUSE 8

1. On page 12, in line 37, to omit “a Sunday newspaper”. and to substitute “the media”.
2. On page 12, in line 44, to omit “a Sunday newspaper” and to substitute “the media”.
3. On page 12, in line 49, to omit “a Sunday newspaper” and to substitute “the media”.

CLAUSE 11

1. On page 16, in line 50, to omit “MEC” and to substitute “member”.
2. On page 16, in line 50, after “6(2)(b) to insert “or (c)”.

CLAUSE 12

1. On page 18, after line 36, to insert:

(l) to exempt a local government body from compliance with the road traffic law enforcement code as contemplated in section 33(10),

CLAUSE 15

1. On page 22, from line 23, to omit “a Sunday newspaper circulating country-wide” and to substitute “the media”.

CLAUSE 16

1. On page 22, in line 53, to omit “a Sunday newspaper circulating country-wide” and to substitute “the media”.

CLAUSE 19

1. On page 24, from line 36, to omit “a Sunday newspaper” and to substitute “the media”.

CLAUSE 22

1. On page 26, in line 15, to omit “within three months before” and to substitute “at”.
2. On page 26, in line 33, after “to” to insert “national authorities,”.
3. On page 26, in line 33, to omit “and”.
4. On page 26, in line 34, to omit “and”.
5. On page 26, in line 35, after “powers” to insert “and the private sector”.

CLAUSE 24

1. On page 30, in line 13, to omit “establish a mechanism to”.
2. On page 30, in line 16, to omit “safety” and to substitute “management”.

CLAUSE 32

1. On page 36, from line 39, to omit subsections (1) to (4) and to substitute:

(1) For the purpose of executing the road traffic law enforcement function, the chief executive officer, in consultation with the National Commissioner and the national organisation recognised in terms of section 2(a) of the Organised Local Government Act, 1997 (Act No. 52 of 1997), must develop a national road traffic law enforcement code.

(2) The code must, taking into account local developmental needs, capacity and available resources, provide a national framework that sets out in respect of road **traffic law enforcement**—

- (a) minimum requirements for training and appointment of road traffic law enforcement officers;
- (b) strategic direction and goals to be achieved;
- (c) management practices and human resource practices to be followed;
- (d) operating principles to be applied;
- (e) performance levels to be achieved;
- (f) supporting management information systems to be implemented; and
- (g) actions which constitute a failure to comply with the code as contemplated in section 33.

(3) A **draft** code must be published by notice in the *Gazette* and every *Provincial Gazette* and the notices must specify the time available to interested parties to comment.

(4) The chief executive officer, the National Commissioner and the national organisation recognised in terms of section 2(a) of the Organised Local Government Act, 1997, must consider all comments before completing the code and submitting it to the Shareholders Committee for approval.

(5) The code, once approved by the Shareholders Committee, becomes binding **on**—

- (a) provincial authorities and local government bodies irrespective of whether they perform road traffic law enforcement services under a contract: Provided that the chief executive officer may not force a local government body that does not provide road traffic services, to provide those services; and
- (b) any statutory transport institution vested with powers to execute road **traffic** law enforcement functions for the duration of a contract concluded with the Corporation to provide road **traffic** law enforcement: Provided that the code may only bind the SAPS and a municipal police service established in terms of section 64A of the South African Police Service Act, 1995 (Act No. 68 of 1995), upon approval thereof by the Minister for Safety and Security.

CLAUSE 33

1. On page 40, from line 6, to omit subsection (8).
2. On page 40, in line 10, after “intervene” to insert:
after a decision by the provincial executive
3. On page 40, in line 13, after “Minister” to insert:
after a decision by the national executive

4. On page 40, in line 25, after “and” to insert:
if the Shareholders Committee does not decide to exempt the local government body from compliance with the code,
5. On page 40, from line 56, to omit “is for the account of” and to substitute:
, must be in accordance with the contract between the Corporation and

CLAUSE 34

1. On page 42, in line 4, to omit “or of privatisation”.
2. On page 42, in line 6, after “Committee” to insert “, and the Minister of Finance”.

CLAUSE 40

1. On page 52, in line 8, to omit “a Sunday newspaper” and to substitute “the media”.

CLAUSE 45

1. On page 54, from line 24, to omit subsection (2).