

REPUBLIC OF SOUTH AFRICA

**PORTFOLIO COMMITTEE AMENDMENTS
TO
TRANSPORT AGENCIES GENERAL
LAWS AMENDMENT BILL**

[B 27—2007]

*(As agreed to by the Portfolio Committee on Transport
(National Assembly))*

[B 27A—2007]

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AMENDMENTS AGREED TO

TRANSPORT AGENCIES GENERAL LAWS AMENDMENT BILL [B 27—2007]

CLAUSE 1

1. On page 3, after line 19, to insert the following:

“(b) The members of the Board contemplated in subsection (2)(bA) and (bB) do not have voting rights.”.
2. On page 3, from line 27, to omit paragraph (a).
3. On page 3, in line 29, after “governance”, to insert “including financial management”.
4. On page 3, in line 31, after “industry”, to omit “financial management or economic analysis” and to insert “including labour and consumer matters”.

CLAUSE 2

1. On page 3, from line 37, after “by”, to omit “the addition of the following subsection” and to substitute “—”.
2. On page 3, after line 38, to insert the following paragraphs:
 - (a) the substitution for subsection (3) of the following subsection:

“(3) The members of the Board, including the Chairperson and the Deputy Chairperson, are eligible for re-appointment for a further period not exceeding three years.”; and
 - (b) the addition of the following subsection:”.

NEW CLAUSE

1. That the following be a new clause:

Substitution of section 10 of Act 4 of 1998

3. The following section is hereby substituted for section 10 of the Cross-Border Road Transport Act, 1998:

“Notice of appointment

10. The Minister must, with 30 days from the date of appointment of a member or alternate member of the Board, notify Parliament of such appointment and publish a notice in the *Gazette*.”.

CLAUSE 3

1. On page 3, in line 46, to omit “on the” and to substitute “after consideration of the”.

CLAUSE 6

1. On page 5, in line 16, to omit “and”.
2. On page 5, after line 16, to insert the following paragraph:
 - (b) the insertion after subsection (1) of the following subsection:

“(1A) The members contemplated in subsection (1)(bA) and (c) do not have voting rights.”;
3. On page 5, from line 18, to omit subsection 4 and to substitute:

“(4) The Minister may appoint a person as a member only if the Minister is satisfied that the person has suitable expertise in one or more of the following:

 - (a) Shipping industry;
 - (b) maritime law;
 - (c) organized labour in maritime;
 - (d) corporate governance;
 - (e) environmental management.”
4. On page 5, after line 31, to insert the following paragraph:
 - (d) the insertion after subsection (4) of the following subsection:

“(4A) The Minister must, within 30 days from the date of appointment of a member or alternate member of the Board, notify Parliament of such appointment and publish a notice in the *Gazette*.”.

CLAUSE 9

1. On page 6, in line 5, to omit “on the” and to substitute “after consideration of the”.

CLAUSE 13

1. On page 6, in line 35, to omit “Director-General” and to substitute “Minister”.
2. On page 6, in line 41, to omit “and”.
3. On page 6, after line 41, to insert the following paragraph:
 - (b) the insertion after subsection (2) of the following subsection:

“(2A) The members of the Board contemplated in subsection (2)(b), (c) and (d) do not have voting rights.”;
and
4. On page 6, after line 48, to insert:

“(c) The Minister must, within 30 days from the date of appointment of a member or alternate member of the Board, notify Parliament of such appointment and publish a notice in the *Gazette*.”.

CLAUSE 16

1. On page 7, in line 25, to omit “on the” and to substitute “after consideration of the”.

CLAUSE 18

1. On page 7, from line 44, to omit paragraph (a) and to substitute the following paragraph:
 - (a) the substitution for subsection (2) of the following subsection:

“(2) The Board consists of not more than seven members of whom—
(a) one must be the non-executive chairperson;
(b) one must be, if the Minister specifies an office in the Department for the purposes of this subsection, the person for the time being holding that office;
(c) one must be the Chief Executive Officer, by virtue of holding that office; and
(d) at least four must be persons appointed in terms of subsection (2A).”;
2. On page 8, in line 1, to omit the second “subsection” and to substitute “subsections”.
3. On page 8, after line 1, to insert:

“(2A) The members contemplated in subsection (2)(a) and (d) are appointed by the Minister.
(2B) The members contemplated in subsection (2)(b) and (c) do not have voting rights.”
4. On page 8, from line 2, to omit subsection (2A) and to substitute:

“(2C) The Minister must appoint a person as a member of the Board only if the Minister is satisfied that the person has suitable expertise in respect of one or more of the following:
(a) civil aviation;
(b) corporate governance;
(c) environmental management;
(d) organised professionals and labour;
(e) economic analysis;
(f) aviation infrastructure.”;
5. On page 8, after line 18, to insert the following paragraph:
 - (d) the addition of the following subsection:

“(7) The Minister must, within 30 days from the date of appointment of the member or alternate member of the Board, notify Parliament of such appointment and publish a notice in the *Gazette*.”

CLAUSE 20

1. On page 8, in line 38, to omit “on the” and to substitute “after consideration of the”.

CLAUSE 21

1. On page 8, after line 51, to insert the following paragraphs:
 - (a) the substitution for subsection (1) of the following subsection:

“(1) The Shareholders Committee may subject to subsection (2) establish a board of the Corporation consisting of—

 - (a) the Chief Executive Officer;
 - (b) if the Minister specifies an office in the Department for the purpose of this subsection, the person for the time being holding that office; and
 - (c) not more than eight persons appointed by that Committee.”;
 - (b) the insertion after subsection (1) of the following subsection:

“(1A) The members contemplated in subsection (1)(a) and (b) do not have voting rights.”;
 - (c) the substitution for subsection (2) of the following subsection:

“(2) The appointed members of the Board must be persons from the public and private sectors with proven expertise and competency in the field of corporate governance, information technology and road traffic management.”.

CLAUSE 22

1. On page 9, in line 23, to omit “the Director-General of the Department of Labour and the National Commissioner of the Department of Safety and Security” and to substitute “a person delegated by the Minister of Labour and a person delegated by the Minister of Safety and Security”.
2. On page 9, from line 29, to omit paragraph (b) and to substitute the following:
 - (b) the addition in subsection (5) after paragraph (b) of the following paragraph:

“(c) The members contemplated in subsection (5)(b)(i), (ii) and (iii) do not have voting rights.”;
3. On page 9, after line 36, to insert the following paragraph:
 - (d) the insertion after subsection (7) of the following subsection:

“(7A) The Minister must, within 30 days from the date of appointment of the member or alternate member of the Board, notify Parliament such appointment and publish a notice in the *Gazette*.”;

NEW CLAUSE

1. That the following be a new clause:

Amendment of section 9 of Act 16 of 2002

24. Section 9 of the National Railway Safety Regulator Act, 2002, is hereby amended by the substitution for subsection (1) of the following subsection:

“(1) The Minister must, after consideration of the recommendation of the Board, appoint a Chief Executive Officer.”