

# PORTFOLIO COMMITTEE ON TRANSPORT (PCoT)

## Civil Aviation Amendment Bill: deliberations; RABS Bill [B17B-2017]: finalisation of way forward for processing; Committee Programme

17 March 2020 - Chairperson: Mr M Zwane (ANC)

### Meeting Summary

The Portfolio Committee on Transport convened a meeting to deliberate on the Civil Aviation Amendment Bill, to finalise the way forward for the processing of the Road Accident Benefit Scheme Bill and to adopt the Committee programme for the second parliamentary term.

**However, senior officials from the Department of Transport (DoT) failed to appear before the Committee to discuss the processing of the 2017 Road Accident Benefit Scheme Bill. The Members expressed their displeasure at the failure of the officials to attend. They indicated that since the Minister, Deputy Minister and the Director-General could not attend, the DoT should at least have sent the chief directors. Discussion on this bill was postponed to a future opportunity.**

The Committee proceeded to deliberate on the Civil Aviation Bill. Members welcomed the inputs they had received during the public hearings but questioned why the Department had rescinded certain inputs by the public. It decided to schedule another meeting in order to get a response from the Department on their unanswered questions.

The Committee also approved its programme for the second quarter.

### Meeting report

The Chairperson stated that he was aware of the statement by the President on the Covid-19 virus, and the measures that had to be taken to contain it. He called on Members to be vigilant.

**On the matters under consideration for the meeting, the Chairperson recalled that the Department of Transport (DoT) had already appeared before the Committee to present its views on the Bills under consideration, and that this meeting would be the first opportunity for Members to deliberate amongst themselves on the Bills.**

He proposed that they should attend only to the deliberations on the Civil Aviation Amendment Bill [B44-2018], the adoption of Committee programme for the second parliamentary term and consideration and adoption of minutes of proceedings. **He asked that deliberations on how to proceed with the Road Accident Benefit Scheme (RABS) Bill be postponed to when all the Members were present.**

**He lamented the absence of DoT officials at the meeting. He described this as a bad reflection, since these officials had to provide inputs on the deliberations by Members.**

Mr C Hunsinger (DA) questioned whether the meeting could proceed in the absence of the DoT officials. He said a decision had been made outside of the Committee on whether the meeting should proceed in light of the latest developments. He questioned who the "management" was that had made a decision for the meeting to continue. He asked the Chairperson to suspend the meeting until further notice.

Mr M Chabangu (EFF) said that he had received a message only that morning that the "manager" had taken a decision that the meeting would proceed. He was also of the opinion that since the DoT was not present, the meeting could not proceed.

Mr L Mangcu (ANC) added that he had a slightly different view. According to him, the Committee did not have to rely on the DoT, as it had all the capacity and mandate to deliberate on anything. He also lamented the DoT's absence, but proposed that the meeting continue, as the Committee should not allow itself to be dictated to by external forces.

**The Chairperson sought to provide some clarity and explained that he had received a communication from one of the House Chairs, who had recommended that the meeting should not continue. The Chairperson had responded that it did not make sense to recommend the suspension of meetings when Members were due to convene for a plenary session the following morning (18 March).**

**He added that duly scheduled meetings should continue unless something urgent arose. He was emphatic that no “management” would be allowed to decide on behalf of the Committee.**

**He agreed with Mr Hunsinger that the Committee would not be able to deliberate on the Road Accident Benefit Scheme (RABS) Bill, as it required the DoT’s input.** The Committee was in a position to discuss the Civil Aviation Bill, as the DoT was not considered as a key participant. Members had been informed that there would be deliberations on this Bill, and thus should have been prepared.

He added that the DoT could have sent Chief Directors in the absence of the Executive and the Director-General.

He opened the floor for deliberation on the Civil Aviation Bill.

Mr Mangcu raised a concern around the inputs by a certain Mr Mashaba during the public hearings on the Bill. No reasons had been furnished by the DoT as to why Mr Mashaba’s inputs had been withdrawn. Every citizen had the right to be heard and not to be intimidated.

He had reviewed the inputs by Mr Mashaba and had found them material in nature, and they should have been tested. The Committee should have had an opportunity to review these inputs.

The inputs by the Airlines Association of Southern Africa (AASA) had been of a technical nature and should be supported by the Committee. He also supported their inputs.

He added that he did not support the responses by the DoT on the inputs by a Mr van Zyl. In addition, he also supported the responses by Dr Joachim Vermooten, a Mr Payne and Dr Brian Suckling.

He added that the DoT seemed to support the inputs by the South African Civil Aviation Authority (SACAA) and recommended that the Committee should accept the SACAA recommendations.

Mr L Mc Donald (ANC) expressed his displeasure at the DoT, which had failed to furnish him with information that he had requested. He found this attitude by the DoT disconcerting. The Committee should not accept this attitude anymore.

Mr Hunsinger said that the Committee should view the DoT’s plans to create a trust account with caution. Setting up a trust account had to comply with all relevant policies and regulatory frameworks.

Mr T Mabhena (DA) commented that National Treasury (NT) had made it clear that they had no appetite to establish a new agency in the form of the Aviation Safety Investigation Board (ASIB). There were simply no funds, as the proposed new entity required a management structure as well as a new board.

He added that the Accident and Incident Investigation Division (AIID) had to be independent and properly funded. The DoT still had to pronounce on the National Treasury’s (NT’s) comments.

He said the Airports Company of South Africa (ACSA) should have appeared before the Committee to explain the measures implemented to contain the spread of the Covid 19 virus.

The Chairperson responded that the Committee would make time to engage with the DoT on inputs by Mr Mashaba. He would also request the DoT to furnish Mr McDonald with written responses promised.

### **Committee programme**

The Chairperson wanted to ascertain whether Members agreed with the Committee’s proposed programme for the second term.

Ms M Ramadwa (ANC) suggested that it was pertinent to share the Committee’s programme with the DoT as well, especially as it related to important matters such as oversight visits.

The Chairperson agreed that it was necessary to be inter- and proactive, and Members had every right to make requests and recommendations to the Chairperson on activities they would like to undertake.

The programme was accepted by the Committee.

The Chairperson thanked Members for their diligence in the wake of the Covid-19 national disaster announcement, and for having attended the meeting. He would liaise with Mr Chabangu on the concerns he had raised.

He called on Members to continue communication through WhatsApp and other communication modes during this difficult time.

The meeting was adjourned.