

NATIONAL DEPARTMENT OF TRANSPORT

DRAFT LEGISLATIVE PROGRAMME: 2009

	NAME OF THE BILL	STRATEGIC FOCUS OF THE BILL	DATE FOR SUBMISSION TO CABINET	DATE FOR SUBMISSION TO PARLIAMENT	FINANCIAL IMPLICATIONS	IMPACT
1.	TRANSPORT ACTS REPEAL BILL, 2009	To repeal the identified obsolete legislation.	2 nd Quarter 2009	3 rd Quarter 2009	None.	Obsolete legislation will be deleted from the Statute register.
2.	MARITIME TRANSPORT SECURITY BILL, 2009	<p>The Bill proposes to repeal and replace the existing Merchant Shipping (Maritime Security) Regulations, 2004, made under the Merchant Shipping Act, 1951.</p> <p>The Bill's main purpose is to safeguard against unlawful interference with maritime transport. It seeks to achieve this purpose by continuing the risk-based and outcome focused approach, first adopted in the 2004 regulations, of a regulatory scheme centred on the development of security plans for ships, ports, offshore facilities and other maritime transport operations.</p>	3 rd Quarter 2009	3 rd Quarter 2009	Except for publication costs, which will amount to R222 000.00, the Department of Transport is not in a position to determine other financial implications at this stage.	The security of Maritime transport will be ensured, as there will be no unlawful interference.
3.	MERCHANT SHIPPING (CIVIL LIABILITY CONVENTION) BILL, 2009	To give effect to the 1992 Protocol to the International Convention	2 nd Quarter 2009	3 rd Quarter 2009	The ship that enters or attempts to or arrives, depart or attempt to	None as each owner of the ship will have to take up insurance

		<p>on Civil Liability for Oil Pollution Damage, 1969, and for related matters.</p> <p>The Bill aims to ensure that every owner of the ship in RSA should take out and maintain financial security for damages that may arise as a result of oil pollution.</p> <p>The Bill also ensures that when a ship enters or attempts to leave or arrive at a port in the RSA, to have on board an insurance certificate or financial security, covering the liability of the owner of the ship in the event such ship causes pollution.</p>			depart will be required to provide or be in possession of an insurance certificate before such attempt to depart or arrive.	or enough financial security for damages that may arise as a result of oil spillage.
4.	MERCHANT SHIPPING (INTERNATIONAL OIL POLLUTION COMPENSATION FUND CONTRIBUTIONS) BILL, 2009	The Bill aims to impose contributions payable under Merchant Shipping (International Oil Pollution Compensation Fund) Act, 2005, and for related matters.	2 nd Quarter 2009	3 rd Quarter 2009	<p>None, as the Bill will impose contributions to member states.</p> <p>The Bill is a money Bill, because it impose levies.</p>	The Bill will enable member states to contribute to the Fund that will be established.
5.	MERCHANT SHIPPING (INTERNATIONAL OIL POLLUTION COMPENSATION FUND) BILL, 2009	<p>The Bill aims to implement the 1992 Protocol to the International Convention on the Establishment of an International Oil Pollution Fund.</p> <p>The Bill will allow the RSA to participate in the regime established by the civil liability and final Conventions that</p>	2 nd Quarter 2009	3 rd Quarter 2009	None, as the fund will assist the ship owner whose insurance do not cover all damages, then the aggrieved party can be paid by the fund if the ship owner's insurance does not cover all the damages.	The aggrieved person(s) of marine oil pollution are assured adequate remedy in the event of oil pollution damage.

		<p>Parliament has approved under section 231 (2) of the Constitution.</p> <p>The Bill deals with questions of liability and compensation resulting from the escape or discharged of persistence oil from tankers (i.e. ships constructed or adapted for the carriage of oil in bulk).</p>				
6.	TRANSPORT LAW ENFORCEMENT AND RELATED MATTERS AMENDMENT BILL, 2009	<p>To improve and facilitate law enforcement measures for collections of tolls.</p> <p>To implement the electronic collection of tolls.</p> <p>To include offences relating to the non-payment of toll in the AARTO System.</p>	2nd Quarter 2009	3rd Quarter 2009	None.	There will be an improved system of toll collection. There will be clear charges on non-payment of tolls.
7.	NATIONAL ROAD TRAFFIC AMENDMENT BILL, 2009	To address issues relating to the fitness of the drivers; to address registrations and grading of the License Testing Centers; and to deal with matters connected therewith.	3 rd Quarter 2009	3 rd Quarter 2009	None.	<p>The Bill will bring certainty to the requirements relating to fitness of drivers.</p> <p>There will be only two institutions that can issue drivers licenses.</p>
8.	MERCHANT SHIPPING (SAFE CONTAINERS CONVENTION) BILL, 2009	The purpose of the Bill is to give effect to the International Convention for Safe Containers and for related matters.	3 rd Quarter 2009	3 rd Quarter 2009	None.	The Bill will ensure maintenance of the high level safety of human life in the transport and handling of

		<p>The Bill will maintain a high level of safety of human life in the transport and handling of containers by providing generally acceptable test procedures and related strength requirements.</p> <p>The Bill will facilitate the transport of containers by providing uniform internal safety regulations, equally applicable to all modes of surface transport.</p>				containers by providing generally accepted test procedures and related strength requirements.
9.	MERCHANT SHIPPING AND SHIP REGISTRATION AMENDMENT BILL, 2009	The main object of the Bill is to introduce compulsory accident insurance for seafarers who suffer death or personal injury as a result of workplace accidents; a measure which is promoted by the International Labour Organization.	3 rd Quarter 2009	3 rd Quarter 2009	None, as the total cost of the insurance cover will be borne by the owner of the vessel.	The seafarers will be assured of compensation by their employers in the event of their death or accidents. The owner of the ship will either be obliged to register the employees in terms of the Occupational Injuries and Diseases Act administered by the Department of Labour.
10.	MERCHANT SHIPPING AMENDMENT BILL, 2009	<p>The Bill's main object is to revise the limitation of liability provisions in section 261 of the principal Act:-</p> <ul style="list-style-type: none"> • to correct technical deficiencies in the section; and • to modernise the 	3 rd Quarter 2009	4 th Quarter 2009	None.	

		<p>law relating to shipowner limitation by introducing a provision that is consistent with the 1976 Convention on Limitation of Liability for Maritime Claims and its 1996 Protocol ("the LLMC") in respect of liability limits, conduct barring limitation and the burden of proof.</p>				
11.	<p>SOUTH AFRICAN MARITIME SAFETY AUTHORITY AMENDMENT BILL, 2009</p>	<p>This Bill amends the South African Maritime Safety Authority Act, 1998 (Act No 5 of 1998).</p> <p>The Bill's purpose, generally, is to improve the functioning of the Authority and to harmonise the provisions of the principal Act with those of the Public Finance Management Act, 1999 (Act No 1 of 1999).</p>	<p>3rd Quarter 2009</p>	<p>3rd Quarter 2009</p>	<p>None.</p>	<p>The principal Act will be in line with the PFMA requirements.</p>