



PARLIAMENT
OF THE REPUBLIC OF SOUTH AFRICA



English

Railway Safety Bill [B7-2021]

The Railway Safety Bill [B7-2021]

Parliament of South Africa is inviting inputs from the public on the Railway Safety Bill [B7-2021]. The National Assembly's Portfolio Committee on Transport acting under section 59 (1) of the Constitution, seeks to facilitate public involvement in respect of this Bill and is accordingly inviting comments and inputs from interested stakeholders.

Why the Railway Safety Bill?



The Railway Safety Bill, 2021 ("Bill"), seeks to improve the regulatory framework regulating railway safety in the Republic of South Africa in order to improve the safety of passengers and freight.



The Bill seeks to repeal the National Railway Safety Regulator Act, 2002 (Act No. 16 of 2002) ("NRSR Act"). The NRSR Act established the Railway Safety Regulator ("RSR") to oversee and promote safe railway operations through appropriate support, monitoring and enforcement guided by an enabling regulatory framework. The NRSR Act has been in operation since 20 September 2002.



The NRSR Act was last amended in 2009 and since then there have been major developments in the country such as a massive rolling stock investment programme and the introduction of the first standard gauge railway system (Gautrain in Gauteng) in the country, these developments were not anticipated during the amendment of the existing NRSR Act.



The Bill also seeks to promote the use of rail as a preferred mode of transport that would also be able to positively contribute to the country's economy.



The Bill was first approved for public consultation in February 2018, and public consultation in all provinces were conducted in March 2018 by the Department of Transport. Critical stakeholders, such as the National Economic Development and Labour Council ("NEDLAC") and Organised Labour were also consulted during this process.



Inputs received during public consultations have been considered during the preparation of the Bill prior to tabling thereof in Parliament.





Railway Safety Bill

[B7-2021]

What are the objectives of the Bill?



The Bill retains a number of elements of the NRSR Act, endeavouring to provide greater clarity on several issues, and introduces new concepts designed to enhance railway safety.



The Bill seeks to place the emphasis and focus on railway safety, and to recognise operators' roles in managing and implementing safety measures, with the RSR promoting safety and ensuring compliance with such measures.



The Bill furthermore seeks to provide guidance on the governance of the RSR, and to address concerns raised over time by operators in respect of the system of railway safety in South Africa.



The Bill seeks to remove perceived conflicts of interest, and to provide a flexible framework for managing railway safety.



In addition, it proposes that the RSR must oversee a framework of safety critical grades.



Enables operators to undertake safe railway operations.



Facilitates a modern, flexible and efficient regulatory regime that ensures the continuing enhancement of safe railway operations.



Encourages the collaboration and participation of interested and affected parties in improving safety.



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Promotes the harmonisation of the railway safety control of the Republic with the objectives and requirements for safe railway operations of the Southern African Development Community (SADC).



Ensures coherent governance of railway safety for the Republic as a whole.

Railway Safety Regulator (RSR) Board and Management

The Bill seeks to provide guidance on the governance of the RSR Board and Management, which includes the following:



Nomination process: with the Minister appointing between 7 and 13 members, majority serve as independent non-executive members.



Term of office: non-executive members serve for a three-year term, which is renewable, for a total of two consecutive terms.



Appointment of the CEO: the Minister, appoints a Chief Executive Officer (CEO) from a list of at least two candidates recommended by the board.



Dissolution of the board: the Minister may upon good cause shown dissolve the board and must appoint an administrator to take over the functions of the board, and commence with the new board nomination and appointment process.



Safety permits

The Bill also seeks to provide for railway safety permits, which includes the following:



Any person who wants to undertake any railway or railway operation must apply to the RSR, in the prescribed manner, for a safety permit.

The holder of a safety permit must annually pay the safety permit fee in respect of every type of railway or railway operation authorised in that safety permit irrespective of the period of validity of that safety permit.



The RSR must, after considering an application, notify the applicant in writing of the outcome of the application, and if the application is approved, the RSR must in that notice specify:



The period of validity of the permit (3 – 5 years);



The types of railway operations authorised by or under that safety permit;



The conditions subject to which the safety permit is granted; and



If applicable, the date by when the fees or levies must be paid by the applicant in respect of that specific safety permit.

Why is Parliament inviting public input?

Parliament is mandated by the Constitution to ensure that the public is involved in all its processes, including Law-making. To satisfy this mandate, the Portfolio Committee on Transport is inviting all interested and affected parties to participate in the Railway Safety Bill.

Why is it important to participate?

Public participation is a democratic process that ensures Law-makers listen to the voices of the people when they make laws.



Who must participate and how?

All affected and interested parties, individuals and organised formations are invited to participate in the upcoming public hearings by making an oral submission to the Portfolio Committee on Transport.

Various departments and organisations were consulted on the draft Bill during the phase prior to tabling the Bill before Parliament e.g. Department of Public Enterprises, Department of Tourism, Transnet, Passenger Rail Agency of South Africa (PRASA) etc.

What happens after you have submitted your inputs to the Committee?

The Committee will consider all public inputs on the amendments of the principal Acts for the National Assembly to pass the Bill. The Bill will then be referred to the National Council of Provinces for further deliberation and concurrence. Thereafter, the Bill will be sent to the President for assent and signing into an Act of Parliament.

For copies of the Bill and any further information you can contact the secretary of the Portfolio Committee on Transport, Ms Valerie Carelse at:



Email: vcarelse@parliament.gov.za



Cell : 083 709 8445

Or visit parliament's website at: www.parliament.gov.za

Did You Know ?



Parliament is the national Law-making body of South Africa.



Parliament is made up of two Houses, namely; the National Assembly (NA) and the National Council of Provinces (NCOP).



Bills are mainly introduced to Parliament by the Minister of a specific department.



Parliament is obliged by the Constitution to get the views of the people before passing any Bill into an act or law.



For a Bill to be passed into law, the President needs to sign it.

Submission guideline

ENGLISH

Head your submission with the full title of the topic or Bill.

Date:	
Topic or Bill:	
Name of Committee:	

State whom the submission is from

First and Surname	
State whether you have been nominated to represent an organisation	
Name of organisation (if nominated to represent an organisation)	
Your position in the organisation	
Aims of the organisation	
How many people belong to the organization?	

Provide contact details (Include a contact address, daytime telephone number and ID number. If for private reasons you do not wish these details to be made public, state this in your covering letter and leave it off the submission itself)

Postal Address:	
Street Address:	
Province:	
Tel No:	
Cell No:	
E-Mail:	

State whether you wish to appear before the Committee

Yes	<input type="checkbox"/>	No	<input type="checkbox"/>
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Do you wish others to appear with you before the committee?

If yes, please provide their full name(s) and surname(s) and their role(s)

Name(s) and Surname(s)	Role(s)

State your concerns on the Bill or topic. Please support your views by examples.

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Provide recommendations/suggestions.

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Sum up or list the main points of your recommendations.

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Who else supports you?

Name(s) and Surname(s)	Role

Please take note that the information you are submitting will be processed as set out above and that by submitting this information, you consent to the processing of this information as required by the Protection of Personal Information Act No. 4 of 2013.