

Transport legislation an unlikely priority for Ramaphosa

The ousting of President Jacob Zuma does not mean all pending controversial legislation and regulations are now off the table.

A lot of hope is being pinned on President Cyril Ramaphosa and the new dawn he promises for the country,

with many industries attempting to get his ear – especially after the recent developments around the Mining Charter.

Within days of taking office Ramaphosa showed his intent, taking on the challenge of re-engaging

with the mining sector. The decision by Mineral Resources Minister Mosebenzi Zwane to disregard industry and push through a highly contentious Mining Charter culminated in industry launching court action in November last year in an effort to block the charter.

Literally days before returning to court Ramaphosa managed to convince the industry to postpone legal proceedings and re-engage in talks with government. Having withdrawn the current version of the charter, indications are that Ramaphosa will facilitate a process for a new charter to

be drawn up incorporating the private sector's views and addressing the challenges they have outlined. Zwane has also been left out of the process.

This, however, does not mean that all controversial legislation will get the same attention.

Political analyst and executive secretary of the Council for the advancement of the South African Constitution (CASAC), Lawson Naidoo, said while the president had changed, governmental processes had not.

“It all depends at what stage of the process the pending legislation is,” he told FTW. “If it has passed the public participation phase then it will probably go through in the current format. Processes within government remain exactly the same, nothing changes.”

Several controversial pieces of legislation – including the land expropriation bill and the Mineral and Petroleum Resources Development Act – are still to be finalised.

Several sectors in the country are struggling with decisions made under Zuma's regime - legislative and

regulatory decisions that have huge ramifications for their businesses. In the transport industry, the lifting of the high cube moratorium in January 2019 is one example.

“A new president does not mean these items are now all going to be addressed and scrapped and reworked,” said Naidoo.

Jonathan Veeran, a partner at Webber Wentzel, said the president's decision to address the Mining Charter indicated that he was plugging the big holes first rather than taking on all of the wrongs from the past. “We have come out of a tumultuous ten years and there are many issues that have to be addressed. He is going to have to focus on fixing the bigger challenges first and foremost.”

Quintus van der Merwe, a partner with Shepstone and Wylie, agreed saying many were hopeful that Ramaphosa was going to bring sweeping change – addressing regulation and legislative challenges widely and across sectors. “It is still very early days but what we do know is that it will be a balancing act at best.”

Van der Merwe said most of the issues in the transport sector were fairly uncontentious in the bigger scheme of things and would therefore not be at the top of

Ramaphosa's agenda.

“He is a far more commercially orientated person than Zuma was and from what we have seen from his first days in office it would seem that is where his focus will be.”

He said expectations were that legislation like Aarto (Administrative Adjudication of Road Traffic Offences) would go ahead in its current form as would the new customs legislation. He said issues like the lifting of the moratorium on high cubes would also not be a priority in Ramaphosa's big picture approach.

According to Naidoo ministerial changes could have far more positive results for industries like transport and logistics.

– Liesl Venter

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– QUINTUS VAN DER MERWE

