



DEPARTMENT OF TRANSPORT
UMNYANGO WEZOKUTHUTHA

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TO: ALL HEADS OF DEPARTMENT
ALL DEPARTMENTAL TRANSPORT OFFICERS
MEMBERS OF THE MOTOR TRANSPORT ADVISORY COMMITTEE

PROVINCIAL TRANSPORT MANAGEMENT (PTM) CIRCULAR NO 3 OF 2006: GENERAL TRANSPORT DELEGATIONS OF AUTHORITY

1. As you are aware, the General Transport Delegations of Authority have been under review over the past year. Comments and input were requested from Departments, however there were a number of concerns regarding the Delegations, for e.g the levels set, that needed to be further reviewed.
2. The Motor Transport Services Directorate has, in the interim, investigated the Department of Transport's original mandate in relation to the operation of provincial motor transport in the Province, to determine whether it is appropriate for the development of **Provincial policies and Delegations of Authority**, especially in light of the provisions of the Public Finance Management Act, 1 of 1999 and the responsibility and accountability that it places on Accounting Officers in respect of, *inter alia*, the management of departmental assets.
3. In November 1996, a memorandum was forwarded to the Cabinet of KwaZulu-Natal relating to the operation of provincial motor transport in the Province, and which gave rise to Cabinet Resolutions 451 and 485 dated 20 November 1996 and 11 December 1996, respectively. Paragraphs 2.1. and 2.2 of the aforementioned memorandum to Cabinet which is dated 11 November 1996 states, that with effect from 1 April 1995, each Department will have to provide funds for its own vehicle needs thus ensuring proper accountability, and placing responsibility for the control, costs and utilisation of vehicles at **departmental levels**. The Heads of Department were in favour of this approach as it ensured that each Department would be made accountable for the expenditure, in relation to its **individual policies** and activities. This, in essence indicates that each Department would be responsible for decisions relating to vehicle usage at an operational level in respect of Departmental vehicles, be it official or subsidised.
4. Paragraph 2.5. mandates the Department of Transport to only develop transport guidelines, in line with policies/instructions issued from time to time by the National Department of Transport. It would therefore appear that policies affecting official and subsidised vehicles would need to be developed at Departmental level and not Provincial level as each Department would be made accountable for the expenditure incurred by that Department. The aforementioned also applies to the setting of responsibility and financial levels associated with official and subsidised vehicles at operational level. Departments are in the best position to determine and set appropriate levels which would ensure effective accountability surrounding the utilisation of official and subsidised vehicles.

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MOTOR TRANSPORT SERVICES DIRECTORATE

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5. Upon perusing section 44 of the PFMA, which deals with the assignment of powers and duties by accounting officers, it is mentioned, inter alia, that "The accounting officer for a department, trading entity or constitutional institution may- (a) in writing delegate any of the powers entrusted or delegated to the accounting officer in terms of this Act, to an official in that department, trading entity or constitutional institution;" This section further explains the matter of delegation of authority and the manner in which such is prescribed. Section 45 of the PFMA deals with the responsibilities of other officials. I have enclosed an extract (**Annexure A**) of Sections 44 and 45 for your ease of reference. It must be mentioned that in light of these provisions, Departments can set their own Delegations of Authority to suit their specific requirements.
6. This matter was also discussed at length at the adhoc MTAC workshop held on 23 March 2006, where it was agreed by the attendees that the General Transport Delegations of Authority would be forwarded to the Departments as a guideline. The draft document mentioned in Paragraph 2 above is therefore enclosed herewith as a guideline for Departments to utilise when compiling their own set of Transport Delegations, or for including those provisions pertinent to transport, into Departmental General Delegations of Authority.
7. It must be mentioned that it was questioned at one of the earlier workshops whether it was appropriate for Delegations 0720 to 0724 on **Annexure B** in the existing Transport Delegations of Authority to remain in the Guidelines on the Transport Delegations of Authority as the Transport Delegations refer to provincial land motor transport and not air transport. It was mentioned by the members of the workshop that when officials require to travel by air for official purposes, such is handled as a procurement matter rather than a transport matter. Members were in agreement that Delegations 0720, 0721 and 0724 be deleted. Furthermore Delegation 0724 can be regarded as outside the ambit of these delegations as they pertain to use of chartered aircraft/helicopters for official purposes by not only senior officials of the Administration but also the Premier, Ministers of Cabinet and their wives within the boundaries of RSA. The Department of Health was requested to comment on whether Delegations 0722 and 0723 were catered for within Department of Health Delegations prior to deleting such from this document. The response received from Department of Health indicates that Delegation 0722 and 0723 cannot be dealt with in terms of the existing Health General Delegation 0201. It is therefore suggested that the Department of Health make provision therefore in their Departmental Delegations of Authority.
8. In light of the above, each Department is required, based on the resolutions passed by the Cabinet of Kwa Zulu-Natal in November/December 1996, the autonomy given to Accounting Officers and the provision for the delegation of authority in terms of the Public Finance Management Act, 1 of 1999, to develop and implement their own General Delegations of Authority, which would best serve specific Departmental needs. The existing Transport Delegations of Authority will therefore be withdrawn with effect from **30 June 2007**, to allow Departments sufficient time to develop their own Transport related Delegations of Authority.
9. Submitted for your further attention, please.

For Head Transport

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