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Opening statement from the TUGSA office

On the TRANSPORT SUMMIT ON UNIVERSAL ACCESSIBILITY

**Presented by TUGSA Leadership /Management
25 – 26 April 2024**

Introduction

- TUGSA appreciates the opportunity provided by the National Department of Transport in collaboration with the Ministry of Women, Children and Persons with Disabilities to have to present its position in reference to the Transport Summit on Universal Accessibility.
- TUGSA would like to express deepest interests of the Disability Sector as the users of the services within our environments/communities.
- Noting that the environment we talk about is found within the South African Soil which therefore includes all the provinces.
- With the inclusion of all the Municipalities with our focus be on all the transport modes where we find our members of society being the users.

Interests of TUGSA from the summit

- TUGSA would like to voice out the interest of the Disability Sector focusing on the legal, social, economic, educational aspects related to the current status quo, which finds this sector to continue being viewed as the by-standers and just consumption of services.
- This is the scenario TUGSA would like to alter to the new anticipated status quo of Active Participation where TUGSA as an organisation would like to request to be given an opportunity to be the Enabler in the process of Transformation on the livelihood of Persons with Disabilities living in a Participatory Democracy.
- The views of TUGSA therefore would have to be enshrined in the documents that should transform our Sector from the currently Peasantry Status to an Active, Participatory Citizenship.
- The results therefore of the Summit should yield positive outcomes of TUGSA working together with other stakeholders moving forward and not being left behind like being the invitees to events as it is a case currently.

Recognition by TUGSA

- TUGSA recognises persons with disabilities as passengers are first “People” and secondly are “Citizens” as per Section 3 (2)(a) and (b) of the Constitution of the Republic of South Africa (Act 108 of 1996)
- These “Citizens” have their constitutional and legal rights end up being continuously violated rather than being protected.
- These continuous violations are as per reflected on the Promotion of Equality and Prevention of Unfair Discrimination Act 4 of 2000’s Preamble.
- These violations are “Social, Economic, Systematic, legally and continuous”.

Recognition by TUGSA

- Hence TUGSA identified exclusion and deprivation in various forms inclusive of employment as well especially at Senior Management Levels.
- These exclusions are equal to violations in relation equality clauses of Section 9 of the Constitution of the Republic, Failure to implement Section 5 and 6 of the Employment Equity Act, while still fail to implement Section 9 of PEPUDA by the all Departments of Transport from National, all Provincial and Municipal Departments of transport.
- While these departments are in existence, TUGSA also recognises other different legislations that our parliament have promulgated for the protection of the South African Citizens including the Disability Sector.

TUGSA's Intention with the Summit on Universal Access

1. TUGSA intends to work with the Ministry and Department of Transport on the continuation of the implementation of Section 13 (3)(a) and (b) of the South African Human Rights Act 40 of 2013, though this time TUGSA intends to give the Ministry / Department of Transport an opportunity to work on the transgressions stipulated on this section without the involvement of the South African Human Rights Commission.
2. TUGSA acknowledges that there is a pending Equality Court Case which implicates the Ministry / Department of Transport which is Case Number EQ 3 of 2022 which is Case with ref GP/2324/0020/ZM/KAC from the South African Human Rights Commission (SAHRC).
3. TUGSA would like to affirm the Department of Transport though that this the case is not finalized yet, TUGSA still is interested to work with the Department in order to fully fulfill its purpose of serving all citizens of the country within their Mandate of transportation.
4. As an impoverished NGO, TUGSA still wishes to pursue its mandate of Advocating for the Equality Rights of passengers with disabilities, hence interested to lobby for financial support so that the programmes enshrined on the proposals previously submitted to the National, the Provincial and Municipal Governments including PRASA need to be provided with the attention they deserve.

Current Status Quo within the National, Provincial and Municipal Transport Departments and State owned entities

- TUGSA noted that there are no structures within National, Provincial and Municipal Transport Departments at including within Owned Entities with the Transport Mandate mend to address **Disability Related Transformational Needs**.
- Except for the Directorate allocated at National Department and this Directorate only focussing on Environmental Access and **not Disability Inclusion**.
- Hence TUGSA intended to prove beyond reasonable doubt that the non-availability of these structures mend by staff with disabilities themselves is fatal, and more over to prove that the parachuting of officials without disabilities on programmes needing people with personal life experience on disability matters is counter progressive in relation to **transformation** connected to the past, present and the future of the development of the Disability Sector.

Current Status Quo within the National, Provincial and Municipal Transport Departments and State owned entities continued...

- The Disability sector still continue to suffer the repercussions of being **deprived economically**.
- While the South African country from the National Sphere of Government has all the necessary muscles and resources to alter these systematic circumstances with resources available on their disposal.
- These resources being inclusive of legislation, economic resources, the will power to effect the intended change like the Equity Plan in Section 20 of the Employment Equity Act 55 of 1998.
- The human resources to implement change which is inclusive of Leadership and Management of the Disability Sector from Executive Authority to the lowest ranks in the Department of Transport is non-existent.

Notes by TUGSA from the sittings with the South African Human Rights Commission

- The SAHRC Inquiry on the 23 November 2023 with its results led to the Disability Sector noting that all the implicated Municipalities are dismally failing to focus on the intrinsic legal grounds that the Equality Court Institution focussed on.
- These municipalities failed to portray their adherence to legislation related to sections deduced from the Constitution, Promotion of Equity and Prevention of Unfair Discrimination Act, Employment Equity, Division Of Revenue Act, Public Finance Management Act, Municipal Finance Management Act, and all other related legislation stipulated in the case.
- The only noted activity by the Disability Sector is the **ability** of these municipalities **to list** these legislations including other policies like the INDS and the UNCRPD.
- Most importantly these municipalities portraying the lack of having the transformational zeal towards the improvement of the disability sector through **legislation application**.
- These Municipalities provided only the technical knowledge of the **Technical Report** on architectural building of the environment. Nothing more.

Notes by TUGSA from the sittings with the South African Human Rights Commission

- Based on submissions by the City of Johannesburg and the City of Ekurhuleni Municipality, these municipalities failed to showcase welcoming of the disability sector in all the programmes related to the empowerment and being made parcel of the disability sector empowerment in planning, administration, in application and/or implementation, management of any programmes within their Senior Management Structures.
- Most importantly according to the view of the disability sector, this sector becomes invited to only rubber stamp what has been decided for them, rather than talking any part in community building.
- This was mostly noted with the City of Ekurhuleni's submission.
- If one were to play the recording of the sitting on the 21 November 2023, one would clearly pick up that the statements by municipalities reflect on the disability sector being invited after everything is done.
- Hence the Disability Sector constantly speaks of Disability as the "After Thought".

Notes by TUGSA from the sittings with the South African Human Rights Commission

- There was nothing coming up from the City of Johannesburg. City officials could not even pick up that JDF (Johannes Disability Forum) with the inclusion of TUGSA was attempting to help the City alter the currently lagging behind means of integrating this sector into the mainstream society.
- JDF being linked to the Social Development Office rather than the City Wide Departments.
- While consultation from the City of Ekurhuleni showcased the 'services for' as Mr Papo who reported also cited the events where the Elderly got transported to some of the sites in the Municipality.
- Just to have the feel of how the Harambe Bus travels from one destination to the other, Dayveton to the OR Tambo International Airport.
- This is one mis-judgement from the side of the municipal officials about the disability sector.
- Thinking that the Disability Sector only deserves to be served and not participate in programme implementation.

Notes by TUGSA from the sittings with the South African Human Rights Commission

- Having failed to portray the inclusion, these two municipalities also failed to showcase any form of service provision to the empowerment of the Disability Sector even if it is about providing financial support.
- Though the City of Ekurhuleni stated that they were working with a number of NGO's this municipality failed to note that members of the Disability Sector are quite clear that some of those consulted NGO's have either little or no much expertise in relation to transport management, (legally, administratively and even technically).
- Some of the consulted NGO's just had members whose mandates in their formation had the Social Welfare expertise and interests.
- Expertise as acquired as per Section 20(3)(a)(b)(c) and (d) by the Disability Sector are far from being recognised. Hence the mentality as portrayed on the above line.

Notes by TUGSA from the sittings with the South African Human Rights Commission on the presentation by PRASA

- Having being represented by the Manager from PRASA CRES, PRASA failed to portray the inclusion of the disability sector in its Senior Management System in its total service provision endeavours.
- PRASA CRES having the responsibility to deal with the built environment also provided the technical plans and building environments of this Agency.
- Within the internal structures of PRASA, this agency could not provide any form of efforts related to adherence to legislation highlighted by TUGSA within the instituted Equality case.
- No empowerment of the Disability Sector even if it is about providing financial support and no internal structures established with intentions to assist the Disability Sector in dealing with Disability matters as previously suggested by NGO's like TUGSA.

Notes by TUGSA from the sittings with the South African Human Rights Commission on the presentation by PRASA

- Clearly, TUGSA is of the view that the Human Resources Section of this Agency was never involved in analysing the interests of TUGSA through the Equality case provided to them.
- Hence the analyses of this Agency led to the psychological thinking by the current management that this case only focusses on the environment.
- TUGSA was also astonished by the fact that the Legal Section of PRASA seem not to have made a thorough assessment of the case given a list of legislations that TUGSA identified in this particular case. Thereby leaving an understanding that PRASA never did justice on the plight of the interests of TUGSA, like it was the case when TUGSA submitted the proposal as reflected on Caselines in the Equality case in court.
- This agency having ample time in itself failed to do justice in all TUGSA's submitted documentation. First the proposal and the court document, hence in our assessment PRASA Management does not provide the necessary attention to Disability Matters as they are supposed to be given particular attention.
- Not the total involvement of the Agency in addressing matters related to employment.

Notes by TUGSA from the sittings with the South African Human Rights Commission on the presentation by PRASA

- Skills Development for example focussed on training staff without disabilities so that they will be enabled to deal with passengers with Disabilities and nothing else.
- PRASA having all the challenges related to vandalism related to the eruption of the Covid 19 and the results of the country's closure in 2020, PRASA though had been provided with huge funds that according their own reports state that they have funds **return unspent** from the National Ministry. Hence this information is made available on the Caselines and the PRASA Representative said nothing about this information.
- So is another information brought to the attention of the court by TUGSA (File no 100 on Caselines.)
- The option of PRASA to return the funds rather than opting to empower the deprived sector that has no financial support clearly proves the lack of interest by PRASA in viewing the Disability Sector as the sector that is not part of its citizenry.

Notes by TUGSA from the sittings with the South African Human Rights Commission on the presentation by PRASA

- PRASA in their deliberations showed total failure in the involvement of the disability sector in addressing matters related to employment of staff with disabilities, support to the disability sector financially and not even with provision of resources.
- The manager only to relay the story of someone with a disability being carried down stairs by strong men. A big question is, is this what is wanted and needed by the disability sector?
- Skills Development for example focussed on training staff without disabilities so that they will be enabled to deal with passengers with Disabilities and nothing else. We could not see this on the testimony or presentation submitted and presented by the PRASA Representative.
- PRASA having all the challenges related to vandalism related to the eruption of the Covid 19 and the results of the country's closure in 2020, PRASA though had been provided with huge funds that according their own reports state that they have funds return unspent from the National Ministry. Hence this information is made available on the Caselines and the PRASA Representative said nothing about this information.

Notes by TUGSA from the sittings with the South African Human Rights Commission on the presentation by PRASA

- TUGSA members find it strange that PRASA would not align itself with the Post Apartheid Development programmes that are meant to upgrade and develop the conditions related to the citizens of the republic who had and still continue to be underdeveloped in the form of the Disability Sector.
- During the reporting on 21 November 2023, PRASA showcased interest in its own rebuilding with the exclusion of this disability sector, prior and post Covid 19 pandemic.
- This agency still demonstrating no interest what so ever in any form of a plan to integrate this poverty stuck sector of the South African Country in its plans. Whether they call it Master plan or what ever the term they use.
- Moreover the Minister continuing to provide this Agency with more funds (Report by Minister Mbalula in Parliament on 25 May 2021).

Previous information Provided by TUGSA to PRASA

1. TUGSA submitted to PRASA a proposal that is attached to Caselines revealing the information below and of which a representative from PRASA seem to have undermined the integrity of the commission by having said nothing about it. Moreover, taking for granted that TUGSA highlighted in their proposal.
2. PRASA failing to fund TUGSA while PRASA stating that this entity does not have funds, meanwhile PRASA was once more funded by the National Department of Transport.
3. TUGSA deducing from PRASA's Annual Report of 2019/20. Point 6 on page 62.
4. PRASA according to their own report had Unspent Conditional Grant of R48.8 billion (for 2018/2019 an amount of R45 billion).
5. The response from the meeting held with PRASA not coming with any solution on how the partnership could be formed. This as stated above being the inhibitor of the application of the same section 27 (1) of Promotion of Equality and Prevention of Unfair Discrimination Act 4, 2000 by TUGSA.
6. New information on this case, This is the institution which based on the statement by Minister Fikile Mbalula on the 25 May 2021 in Parliament was allocated some more funds.
7. The Minister on the Transport Budget Vote 2021/2022 in his statement, stating that "Transfers to the Passenger Rail Agency of South Africa (PRASA) amount to R57 billion, accounting for an estimated 27,2% of the Department's budget over the medium term".

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6. In addition, on the statement by Minister Fikile Mbalula on the 25 May 2021 in Parliament, Minister on the Transport Budget Vote 2021/2022. In the statement, Minister stating that "Transfers to the Passenger Rail Agency of South Africa (PRASA) amount to R57 billion, accounting for an estimated 27,2% of the Department's budget over the medium term".

Previous information Provided by TUGSA to PRASA

1. PRASA relaunched the Nancefield railway line. A critical question is that where is the disability sector.
2. Reported on the news on the 19 April 2024 that there is also a carriage that is designated for Children so that they can as well do their homework while going to school.
3. Another critical question is how the disability sector being accommodated?
4. TUGSA submitted to PRASA a proposal that is attached to Caselines revealing the information below and of which a representative from PRASA seem to have undermined the integrity of the commission by having said nothing about it. Moreover, taking for granted that TUGSA highlighted in their proposal.
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Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA)

1. TUGSA would like to state her interests as entrenched in the statutes of the country so that Justice for the development of the disability sector be served.
2. Focus being channelled towards the institutions that have the Mandate to serve the interest of the Disability Sector starting from the Ministry of Transport, the Provincial Departments of Transport, the Municipal Departments of Transport, up to the level of the State-Owned Entities like PRASA, TRANSNET, Portnet, SACAA (South African Civil Aviation Authority), SANRAL, Road Accident Fund (RAF) and the others.
3. Within the Departments, we would like to see Staff with Disabilities being employed at Senior Management Levels, where they would take executive decisions that would assist on the application of legislation and implementation of programmes meant to uplift the current standards of the Disability Sector.
4. This would assist in implementing through Organisational Development and Transformation for proper service delivery related to Disability Inclusion i.e. like in GEYODI. This time the levels be at the Directorate not the Mini Desks as proposed Politically.
5. The directorates be mandated to apply legislation related to all round services like Monitoring, Employment, Skills Development, Procurement Services Monitoring and Provision etc.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation to fund allocation

4. TUGSA having submitted Funding Proposals to all the three spheres of government as an NGO / DPO, be assisted so that we fully fulfil our Mandate of Empowering the Disability Sector into full recognition of integration of the Disability Sector into the transport industry.
5. Thereby TUGSA be enabled to recruit more members and be enabled so that TUGSA alters the current status quo of impoverishment by providing Job Opportunities to this underserved Sector of our Society.
6. Government Departments being the recipients of the Government Funds through DORA (Division Of Revenue Act) annually, to also allocate funds to TUGSA as TUGSA intends to further utilise the state funds for the benefit of the Disability Sector.
7. Given the fact that TUGSA members understand that the South African Government annually distributes funds to National, Provincial and Municipalities in relation to the Division of Revenue Act, 5 of 2022 (DORA), TUGSA therefore expects the National Department of Transport to replicate what is currently applied by Department such as Social Development in programmes funded through DORA like the HIV/AIDS programme on OVC's (Orphans and Vulnerable Children). Where CHBC sites (Community Home Based Care sites) are funded with the intention to deliver services to children who find themselves being orphaned by the scourge of HIV/AIDS.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation to fund allocation

5. With the new allocations in relation to DORA Act 5 of 2023, Department of Transport on page 92 Schedule 4 Part A, Vote 40 on Public Transport Operations Grant, for provinces, this department received R7 402 934 Billion for financial year 2023. R7 735 396 Billion for year 2024/2025 and R8 081 942 Billion for 2025/2026

6. Noting very well the application of this act on the Submissions provided on the proposals attached on Caselines as evidence of communication and request by TUGSA. Also at the end TUGSA noted no share being channelled towards the development of the Disability sector in the transport industry. Let alone the exclusion which is verifiable through exploration of the application of the Employment Equity Act, 55 of 1998.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation to the Summit

6. TUGSA expects the National Department of Transport to particularly apply Section 25 (1) of the Promotion of Equality and Prevention of Unfair Discrimination Act 4, 2000 in efforts to address the challenges identified by TUGSA as per stated in this document.

7. So far as per the 20-22 Inquiry, the Municipalities of the City of Johannesburg and Ekurhuleni have not yet adhered to Section 25 (1) of PEPUDA. They have not yet supplied information related to the achievement of equality including, where appropriate, on legislative and executive decision and compliance with legislation, codes of practice and programmes as per expectations of this act.

8. Also noting the submissions made by NGO's and individuals invited by the SAHRC on their Inquiry on the 20th till the 22nd November 2023.

10. TUGSA also expects the SAHRC to apply the terms of Section 181 (2) of the Constitution of the Republic of South Africa, act 108 of 1996 as this section states that this institution must be impartial, must perform its powers and function without fear, favour and prejudice in relation to this case.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) the Oath taken for service in South Africa

11. TUGSA would like to observe the adherence of the taking of the **Oath** to serve the country in relation to Schedules 2 (1) ,Schedule 3 and Schedule 5 of the Constitution of the Republic of South Africa Act 108 of 1996 focusing by the Minister and the Member of the Provincial Executive Committee of Transport in particular serving the Disability Sector.
12. TUGSA also took note of the **Oath** taken by these incumbents during the resumption of their duties in their offices.
13. This according to TUGSA follows after all the application of terms of the Electoral Act 73 of 1998, progression of the swearing in Oath after the South African Citizens have put their faith in them through the ballot boxes so that they be served accordingly.

Motivation Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation to the Oath

14. Having looked at Schedule 2 of the Constitution of the Republic of South Africa, TUGSA noted the following, the statement states that “the President will promote all that will advance the Republic, protect and promote all South Africans. The President will discharge his/her duties with all his/her strength and talents to the best of his/her knowledge and ability and true to the dictates of his/her conscience.”

15. TUGSA acknowledges also the formation of the **Presidential Working group** but also notes that the **Presidential Working Group** does not have the administrative role and responsibility to address the national challenges experienced by citizens of the country.

16. Hence TUGSA wrote directly to the Office of the President rather than the group so that Administrative Justice to the case referred to the National Department of Transport be raised for the attention of the President given the failure of the Minister to attend to these.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation to services by the Ministry of Transport

16. TUGSA highlighted challenges experienced by passengers with disabilities, using the submitted proposals as measures to address these.
17. With the non-response by the Ministry, this directed TUGSA to observe the current Unfair Discrimination exercised by the Ministry of Transport while there are legislative imperatives that could be implemented to alter the current status quo.
18. Instead the Minister never responded to any of TUGSA's administrative plea and proposals
19. While the Minister managed to fund the Taxi industry, the Minister on another side failed to assist the disability sector that is poverty stricken and is provided with nothing. Given the fact that the Minister dares to present and represent the Taxi industry in Parliament while forgetting the terms of the Sworn Oath in relation to Schedule 2 (No3) of the Constitution of the Republic.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation to services by the Ministry of Transport

20. Based on the Schedule 2 (No3) the Minister sworn under oath that, “he/she will be faithful to the Republic of South Africa and will obey, respect and uphold the Constitution and all other law of the Republic, and undertake to hold the office with Honour and dignity. Also, to be a true and faithful Counsellor and to perform the functions of the office consciously and to the best of his/her ability.”

21. Given this Oath TUGSA identified the non application of the Section 27 (1) Public Finance Management Act on the Development and inclusion of this sector by the Minister of Transport.

22. While Honorable Minister Fikile Mbalula publicly made a pronouncement on the 11 June 2019 on the Station of the Year (2018-2019) Umhlobo Wenene FM at 7H25 before he read the Traffic report at 7h27.

23. The Minister pronounced that there need to be prevention of the **rollover and return** of public funds to Treasury. Minister Mbalula stated that this happens on various occasions and is stated by some of the previous reports.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation to services by the Ministry of Transport

24. Having the option of applying Section 16 (1) of the Public Finance Management Act after receipt of the Proposal from TUGSA, the Minister could have used this section with intention to salvage this poverty-stricken organisation of persons with disabilities rather than to observe actions as stated on point 23 above.

25. Section 16 (1) stating that “the Minister may authorise the use of funds from the National Revenue Fund to defray expenditure of an exceptional nature which is not provided for, which cannot, without serious prejudice to the public interest, be postponed to a future parliamentary appropriation of funds.” This be the act that could be applied by the Minister to rescue the Disability Sector.

26. Hence TUGSA noted no share being provided to this **sector in need** in relation to DORA as stated above. So has TUGSA identified the non application of the Section 27 (1) Public Finance Management Act on the Development and inclusion of this sector by the Minister of Transport.

27. A critical question that could be posed to the Minister is, how much funds have been allocated for the emancipation of the Disability Sector in the Ministry/Department?

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation to services by the Ministry of Transport

38. While Minister Mbalula spoke on Umhlobo Wenene FM Stereo about the **roll over** and **return of funds** to National Treasury, Minister Mbalula in Parliament on the 25 May 2021 in Parliament, on the Transport Budget Vote 2021/2022 stating that “the R1.1 billion once-off gratuity be given to the Taxi Industry in 2020-2021”.

39. Minister Mbalula being able to report to Parliament with the statement above clearly according to TUGSA unfairly discriminates the Disability Sector given the point on the **oath** above which gives him the authority to serve this sector as well.

40. TUGSA on the other hand never been given a single cent. Not even for any reason among many reasons e.g. support, administration, wages, communication or what so ever.

41. TUGSA is inquisitive to have to note that if the Minister can afford to offer the Taxi Industry which is already loaded with a lot of money while failing to adhere to many laws of the country, what makes the Minister to fail to observe that the Disability Sector led by TUGSA is deprived sector which needs the Minister's discretion to apply the terms of Schedule 2 of the Constitution?

42. On another side the National Department of Transport having adopted Resolution 12 of the National Lekgotla of 2020. In this Resolution TUGSA being made a partner but till 2023, not a single call to a meeting ever stated how the Disability sector would participate/benefit etc.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA) in relation with the Commission

27. TUGSA therefore expects the Commission to implement the terms of Section 184 (1)(a)(b) and (c) of the Constitution of the Republic of South Africa (Act 108 of 1996) as this Commission engages in the subsequent implementation of Sub-Section (2) (a)(b) and (c) of this act 108 of 1996.

28. TUGSA realising and respecting terms of Section 181 (2) of the Constitution of the Republic of South Africa as stated above, would appreciate that this Commission ensures the application of Section 26 (a) and (b) of the Promotion of Equality and Prevention of Unfair Discrimination Act 4, 2000.

Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA)

29. With what is currently happening, TUGSA is inhibited to apply terms of Section 27 (1) of the Promotion of Equality and Prevention of Unfair Discrimination Act 4, 2000 with the non-attendance of the Proposals already submitted to the National and the Provincial Department of Transport.

30. So is the proposal submitted to PRASA as stated on Caselines and the response from the meeting held with PRASA **on date** not coming with any solution on how the partnership could be formed. This could not be forwarded to the office of the Minister, given the fact that the Minister failed to attend to the proposal forwarded to his office.

31. This on its own clearly proves the failure of the Minister to adhere to the terms of Schedule 2(no 3) of the Constitution of the Republic of South Africa and the Application of the terms of Section 1 (i)(a)(i)(ii)(b) of the Promotion of Administrative Justice Act in collaboration with Section 16 (1) and Section 27 (1) of the Public Finance Management Act in attending to the Proposal by TUGSA.

19. Thereafter This as stated above being the inhibition of the application of the same section 27 (1) of Promotion of Equality and Prevention of Unfair Discrimination Act 4, 2000.

General Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA)

1. The expectation of TUGSA includes the application of Section 1 (i)(a)(i)(ii)(b) of the Promotion of Administrative Justice Act in collaboration with Section 16 (1) and Section 27 (1) of the Public Finance Management Act in creating Transformational Disability empowering Directorates within Departments of Transport and attending to the Proposal by TUGSA.
2. Having created those positions, Staff /Persons with Disabilities be given opportunities to mend them with the purpose of redressing the unfair discriminatory practices that had been perpetrated towards this sector within the past history, the current dispensation and the currently evolving future.
3. The proper application of the terms of the Employment Equity Act 55 of 1998. Section 20 (3) (a)(b)(c) and (d) in particular within all the implicated stakeholders in this case which are the National, Provincial and Municipalities (City of Johannesburg and City of Ekurhuleni) including PRASA especially at Senior Management Levels to drive the Disability Empowerment programmes is one developmental gap TUGSA identified.
4. The Gauteng Provincial Government has already issued a policy allowing that this reality be realised, but its implementation needs to be made practical. TUGSA expects the real implementing Section 20 (3)(a)(b)(c) and (d) of the Employment Equity Act, while the Department of Transports apply point 9.2.5 on page 34 of the Gauteng Disability Rights Policy of 2020-2025.

General Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA)

1. Given the fact that should the National Department issue a circular correcting the current discrepancies contributing towards the perpetuation of poverty towards this sector, all provinces would be provided with a clear transformational directive from the Office with the mandate to observe the national interests.
2. This was the main gist of the proposal submitted to the National Department and never received any attention from the Ministry and the National Department of Transport.
3. Funding of TUGSA as an Organisation with the Mandate within the Disability Sector to Advocate for the Disability integration in the Transport industry.
4. While the Departments fail to implement the needs of TUGSA, TUGSA be provided with opportunities to proceed with investigations related to the improvements of the lives of this deprived sector of the South African Citizenry.

General Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA)

5. TUGSA therefore expected that structures like Directorates be created with the purpose to positively discriminate and fairly empower the Disability Sector within all the spheres of government.

6. So that the Transformational Agenda of the Department of Transport would live to the expectations of the Constitution of the Republic stemming from the roots of the Pre-Amble of the Constitution.

7. Externally NGO's like TUGSA if they would be funded would close the gap that government and state owned entities like the National Department of Transport, the Provincial Departments of Transport, PRASA and municipalities like the City of Johannesburg and Ekurhuleni failed to fill.

8. In relation to implementing Section 20 (3)(a)(b)(c) and (d) of the Employment Equity Act, TUGSA expects the implementation of point 9.2.5 on page 34 of the Gauteng Disability Rights Policy of 2020-2025.

General Expectations by the Transport User's Group of Persons with Disabilities in South Africa (TUGSA)

10. Organisations like TUGSA though have huge intensions to form partnerships with Governmental and Non Governmental structures in order to change the current status quo of disability exclusion within all levels of government and the NPO/NGO or Civil Society Sectors, they therefore end-up unable to fulfil their visions due to lack of support from vital stakeholders who do not come to assist like the National Department of Transport including the Provincial Department of Transport.

11. With Session 2 of the Inquiry proposed by the South African Human Rights Commission, TUGSA members expect that the Office of the Presidency would come on board and reflect the role they played in assisting the disability sector in the transport industry realising the vision of Disability Sector as encapsulated in the Preamble of the SA Constitution.

12. Moreover this office to reveal through this Inquiry how it will assist the TUGSA led Disability Sector in the transport industry rather than to refer and disengage as it did when TUGSA submitted documents requesting for their assistance.

Concerns TUGSA is having in relation to the disability sectors interests into the transport industry.

- TUGSA on another side being concerned on what makes that the Ministry of Employment and Labour not be part of this Inquiry, if the Ministry of Women, Children and Persons with Disabilities be included. Given the fact that this Ministry has a mandate to deal with all employment related responsibilities by the country.
- Clearly their role would be to monitor how this session deals with matters related to the recruitment and employment of candidates with disabilities in relation to the Employment Equity Act. More over this department would be enabled to assess and take decision on the implementation of Affirmative Action Measures on the creation of Disability Related Directorates to Section 2 (a) and (b) of the Employment Equity Act 55 of 1998 in relation for the empowerment of this currently marginalised sector during our life time. Noting very well that the environments that are currently excluding this sector in relation to movement due to inaccessibility are addressed.

Concerns TUGSA is having in relation to the disability sectors interests into the transport industry.

- TUGSA is concerned that the invitation that was not made to the Department of Public Service and Administration as this department carries the Administrative Mandate for the Creation and the Abolishment of Different positions in the Public Service.
- Clearly TUGSA has a bigger vision of correcting the ills related to the continued perpetuated negative stereotypes, attitudes and ill conceived negative thinking about persons with disabilities.

Concerns TUGSA is having in relation to the disability sectors interests into the transport industry.

- TUGSA in all these efforts has a vision of uniting all South African Citizens with or without Disabilities, following the Preamble of the Constitution of the Republic in a positive manner of unearthing talents and the Abilities that this sector possesses. This is one reason some use the term “DisAbilities”. Reflecting the Ability within DisAbility.
- TUGSA members would like to state that should this discrepancy not being solved, it will prove that “Persons with disAbilities are considered as not Citizens of the Republic of South Africa and therefore deserve no justice”.
- TUGSA Members are concerned that some of their members who played pivotal roles in assisting this organisation to submit the already provided documents passed on without having seen a direction in what they believed in.
- More concerns still arise on whether are the currently available members ever going to get justice given the long time proposals have been submitted to all governmental departments.
- Key here is the fact that justice has already been delayed. Most importantly in the mindset of TUGSA Members is the fact that this resembles ‘Justice Delayed which is Justice Denied’.



- TUGSA Leadership and Management would like to thank you.