



PROVINCE OF KWAZULU - NATAL - ISIFUNDAZWE SAKWAZULU - NATALI
DEPARTMENT OF TRANSPORT
UMNYANGO WEZOKUTHUTHA

MEDIA STATEMENT BY THE KWAZULU-NATAL MEC FOR TRANSPORT, COMMUNITY SAFETY AND LIAISON MR BHEKI CELE REGARDING THE COURT PROCEEDINGS IN THE MATTER BETWEEN THE MEC FOR TRANSPORT, AND THE MINISTER OF TRANSPORT: CASE NO. 17232/08

Ladies and Gentlemen of the media I preside over this press briefing this morning for the first time in 2009 on the matter that has been a fiery issue since the 16th of December 2008 when 11 people were brutally killed in a horrific accident involving a bus from SA Road link. It is on this score that as government we shall continue to act decisively on matters that are in the interest of the public that we serve, hence our legislative mandate is that of ensuring safety of our citizens in the province by providing a public transport system that is safe, affordable, efficient and effective; for this reason all our strategies and operations are geared towards achieving these fundamental goals.

Pursuant to the media briefing held at Elangeni Hotel, on the 18th December 2008 a letter was addressed to SA Road Link advising them of the imposition of a moratorium on their operations in the Province of KwaZulu -Natal.

On the 19th December 2008 SA Road Link launched an urgent application in the Natal Provincial division of the High Court seeking certain relief against moratorium. At the time the papers were served SA Road Link management had requested a meeting with myself which meeting did not take place as the matter was scheduled to be heard at 14h00 on the same day the 19th December 2008. Due to limited time we could not file an answering affidavit before 14h00 .

At the hearing the Department Legal Representative requested time from the Court to file answering Affidavit to the application as many of the facts alleged in the Affidavits filed by SA Roadlink required to be dealt with so that the issues could be properly ventilated before the matter could be meaningfully adjudicated upon by the Court. In particular the Department

required time to put its side of the story before Court, unfortunately the Department was not afforded the opportunity to file such Answering Affidavit.

The matter was however heard and judgment was granted in terms of the draft order which order was to the effect that the moratorium be suspended pending answering and replying affidavits being filed by the parties on the 28th December 2008 and the 5th January 2009 respectively.

On consultation with my legal team and looking at what dictated the decision of the honorable Judge to grant the order sort, and based on those reasons I decided to withdraw the moratorium imposed on SA Road Link. The reason for the withdrawal was dictated primarily from the judges *prima facie* views as expressed in his judgment that before moratorium was imposed the procedures in the promotion of Administrative Justice Act should have been followed.

Although I feel that the decision which I had taken justified by the circumstances which existed when such decision was taken. I have nonetheless heeded the honorable judges view and decided to err on the side of caution and withdraw the moratorium with the reservation as I have expressed.

This withdrawal of the moratorium was done with a full reservation of the Department's rights and particularly the rights which vest in me to pursue all legal channels that are available to the Department and. to take whatever legal action against SA Roadlink for its past, present and future transgressions.

I will provide you ladies and gentlemen with a copy of a letter addressed to Road Link attorneys from my legal team which is self explanatory. As we have indicated in that letter that we reserve the right to pursue action against SA Road Link in accordance and compliance with the legal channels available to us as government.

There has been an enormous public outcry on this matter and as government we cannot fold our arms whilst the safety of our commuters is being compromised in the interest of companies making profit. Meticulous legal processes have commenced in pursuing this matter

further, I am not in a position to outline the processes due to its sensitivity however you will learn about them in due course.

I thank you

Issued by the Office of the MEC for Transport, Community Safety and Liaison

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