



DIRECTORATE

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NOTICE IN TERMS OF PROMOTION OF ADMINISTRATIVE JUSTICE ACT 3 OF 2000 (PAJA)

The President of South Africa, Honourable Cyril Ramaphosa having declared a National State of Disaster in terms of the National Disaster Act, 2002 on the 15th March 2020 due to the Covid 19 pandemic. This resulting in a national lockdown which has been in place since the 26th March 2020. This has had an impact in our business processes as the KwaZulu-Natal Provincial Regulatory Entity ("The Entity) and hinders on us providing the service to all public transport operators.

On the 23rd April 2020, the President of South Africa introduced the "risk assessment strategy" in his pursuit to open the South African economy. Thus in line with our legislative mandate, the National Land Transport Act No 5 of 2009 ("The Act") we have opened our offices for the public under the strict guidelines provided for in the Disaster Management Regulations which seeks to minimize the risk of the spread of infection. The impact of the pandemic on our business operation requires us to implement new business strategies to support the industry and continue to provide the service delivery. However, such interventions must be in line with our empowering provisions of the Act and its Regulations of 2009.

Section 24 of the National Land Transport Act provides that:

24 (1) Each Provincial Regulatory Entity must –

- (a) Monitor and oversee public transport in the province;
- (b) Receive and decide on application relating to operating licences for intra-provincial transport where no municipality exists to which the operating licence function has been assigned but excluding applications that must be made to the National Public Transport Regulator in terms of section 21.



Further thereto, Section 25 of the Act provides that:

25 (1) A provincial Regulatory Entity may, in appropriate cases make inquiries or hold hearings to enable it to perform its functions set out in section 24.

Thus, in complying with the foresaid provisions of the Act, the Entity holds public hearings on applications where there are objections. Presently, these hearing have been postponed owing to the pandemic and the disaster management regulations for level 3. This resulted in backlog on applications that were due to be heard before the National lockdown and our operators are severely impacted.

It is therefore against this background that the entity had to restructure and rearrange its business processes in order to continue providing service to the public whilst reducing the spread of the virus through physical contact. In doing so, the entity will adopt the following process with regards to lodging of all applications:

1. All applications will be submitted to the Provincial Regulatory Entity by email which must be a scanned version of the required documents as provided for in terms of Regulation 6 (2);

2. The following email addresses are to be used for submission of all applications:

pmbpre@kzntransport.gov.za for Pietermaritzburg Office

dbnpre@kzntransport.gov.za for Durban Office

mpangenipre@kzntransport.gov.za for eMpangeni Office

ladysmithpre@kzntransport.gov.za for Ladysmith Office

npspre@kzntransport.gov.za for Port Shepstone Office

mbazwanapre@kzntransport.gov.za for Mbazwana Office

3. The entity will give notice of all applications received by it in connection with operating licence, in the Gazette in terms of Regulation 17 (1);

4. The entity may at any time after the submission of an application, call for the original of any of the documents that were submitted electronically;

5. In terms of the Regulation 17 (4) all interested parties wishing to submit comments or make representation will do so in writing and send such comments via email kznobjections@kzntransport.gov.za . The entity upon receipt of same and in complying with the said regulations will also make the necessary arrangements for inspection of



documents received by the entity regarding the said application objected to upon request by the interested party and/or legal representatives;

6. In terms of Regulation 19 (1), (2) and (3) any interested person and/or legal representative acting on behalf who has submitted comments or acting for the applicants will be advised timeously of the virtual hearing date and be allowed access to the platform; and

7. In terms of Regulation 19 (4) all decisions taken by the entity will be conveyed to all interested parties and will further be published in terms of Section 59 of the Act.

As an administrative body empowered to take decisions that are administrative in nature and in adhering to the principles of just administrative action to give effect to lawful, reasonable and procedurally fair administrative processes, the entity is calling upon all our stakeholders and operators to give comments with regard to this notice within 21 days from the date of this notice , the said comments to be in writing and be directed to the Director: Regulation and Support at Provincial Regulatory Entity, Ms NP Majola email nonhlanhla.majola@kzntransport.gov.za

DATED AT PIETERMARITZBURG ON THE 13th OF AUGUST 2020.