
**DIRECTIVE REGARDING PORTS REGULATOR OF SOUTH AFRICA'S
RESPONSE TO CORONA VIRUS ("COVID-19")
TRIBUNAL PROCEEDINGS AND ANCILLARY MATTERS**

TO WHOM IT MAY CONCERN

1. The spread of COVID-19 is growing exponentially in our country.
2. The Ports Regulator of South Africa ("Ports Regulator") acknowledges that everyone is prone to be infected and/or affected by the corona virus, including exposure of its personnel and Hearing Panelists ("Tribunal Members").
3. The World Health Organisation ("WHO") has declared the corona virus outbreak as a global pandemic and the President of the Republic of South Africa declared a national state of disaster in terms of the Disaster Management Act, Act 57 of 2002 (as amended).
4. The number of infections are rapidly growing in South Africa as the infection pattern is now more of internal transmission. The risk of the spread of the virus amongst all people is a stark reality.
5. The Ports Regulator in recognising this risk, and as a responsible corporate citizen, strives to provide a safe working environment by gearing towards the protection of its staff and stakeholders' exposure to the corona virus.
6. In issuing this latest Directive, the Ports Regulator is abiding to the following regulatory instruments and directives:

6.1 the gazetted Risk Adjusted Strategy Regulations, issued by the Minister of Cooperative Governance and Traditional Affairs ("CoGTA") in terms of section 27(2) of the Disaster Management Act, 2002 dated 29 April 2020, published in *Government Gazette* No. 43096, read together with the COVID-

19 Direction on Health and Safety in the Workplace issued by the Minister of Employment and Labour on 6 May 2020;

6.2 the Directives issued by various relevant Departments;

6.3 the Protocols issued by the National Institute for Communicable Diseases;
and

6.4 the actions taken and directives issued by various courts in the country to alleviate COVID-19 restrictions.

7. The current theme to prevent the spread of this virus is "*Social Distancing*" in order to "*Flatten the Curve*". This means minimising contact between people to reduce the spread of the virus.

8. The important preventative health principles to be employed are:

8.1 to take urgent and drastic measures to manage the disease;

8.2 to employ good hygiene and prevention measures;

8.3 to minimise non-essential domestic travel by public transport; and

8.4 to limit contact amongst groups of people.

9. This directive will apply retrospectively from 1 May 2020 until further notice.

10. The Ports Regulator hereby directs as follows:

10.1 the office of the Ports Regulator remains closed under the Alert Level 4 lockdown period;

10.2 the Ports Regulator in the process of developing the Workplace Plan in terms of Regulation 16(6)(b) in preparation of the return to work of some of its staff, as and when all the occupational health and safety protocols are in order;

10.3 Ports Regulator services remain scaled down;

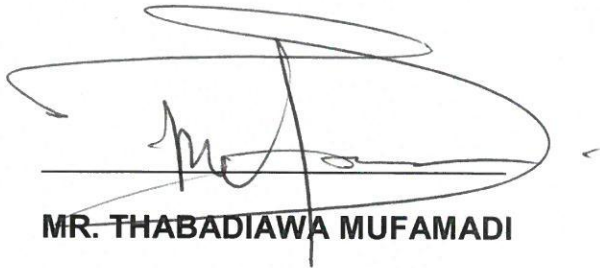
10.4 All contact processes involving face-to face interactions, such as meetings, hearings or consultations remain postponed;

- 10.5 All matters set down for pre-hearings and hearings are still deferred until necessary safety measures, secure, amenable and reliable virtual meeting platforms are introduced;
- 10.6 Parties and/or stakeholders are to be formally, although electronically, consulted to obtain suggestions relating to the Tribunal operations;
- 10.7 Until a formal electronic engagement and consultation with parties is completed, no physical service of complaints and/or appeals' documents will be allowed;
- 10.8 Parties wishing to dispose of any matter, which is ready for hearing during the national state of disaster period, using virtual platform or based on electronically submitted papers, shall be expected to jointly do so, by issuing a notice to the Tribunal members;
- 10.9 Parties may further inform the Ports Regulator of any matter(s) that is capable of settlement;
- 10.10 When a matter has become settled during the period of the national state of disaster, and the parties are in agreement on the terms of the order, the Ports Regulator secretariat may be requested to place the matter before the Tribunal Members for the granting of an order;
- 10.11 Investigation of complaints shall continue by way of electronically engaging with all parties; and
- 10.12 Any and all services of documents and correspondence is to be effected by electronic mail ("e-mail") to the following address tribunaladmin@portsregulator.org

11. The Ports Regulator will continue to monitor the situation closely and take appropriate measures or additional precautions, if necessary.
12. The Ports Regulator shall in due course communicate any changes relating to this Directive and provide necessary directions to manage particular circumstances not addressed by these directives that are peculiar to the Tribunal hearings.

13. The measures referred to in the Directive Regarding Ports Regulator of South Africa's Response to COVID-19 Tribunal Proceedings and Ancillary Matters dated 20 March 2020 are hereby replaced by these Directives.

14. All enquiries regarding this directive should be directed to the following e-mail addresses sohanag@portsregulator.org and/or lesedib@portsregulator.org or 066 419 3035.



MR. THABADIWA MUFAMADI

CHAIRPERSON: PORTS REGULATOR

DATE: 15 May 2020.

PRSA TRIBUNAL