

Ref: RSR/SM/ASP938NTS/TRANSNET/CONTRAVENTION/01/605

Enquiries: Muziwandile Masango

Tel: 087 284 6606

12 March 2020

Ms. Kgomotso Modise
Nominated Manager
Transnet SOC Ltd
Country Estate Drive
Waterfall Business Estate
Jukskei View, 9 Waterfall 5-Ir
Midrand, 1662.

Dear Ms. Modise

RE: CONTRAVENTION NOTICE: CONTRAVENTION IN TERMS OF CATEGORY 2(a) OF THE PENALTY FEE REGULATIONS 2011 (AS AMENDED) READ WITH SECTION 37 OF THE NATIONAL RAILWAY SAFETY REGULATOR ACT, 16 OF 2002 (AS AMENDED) – FAILURE TO NOTIFY AND REPORT A RAILWAY OCCURRENCE AND SECURITY INCIDENTS TO THE DETAIL AND WITHIN THE TIMEFRAMES SPECIFIED IN SANS 3000-1.

1. This Contravention Notice is issued to Transnet SOC Ltd in terms of regulation 5(1) of the Penalty Fee Regulations 2011 (as amended) (“the Penalty Regulations”). The said regulation makes it mandatory for the Railway Safety Regulator (“the Regulator”) to issue and serve a Contravention Notice on an Operator who contravenes the provisions of the National Railway Safety Regulator Act 16 of 2002 (“the Act”) read with Schedule A of the Penalty Fee Regulations, prior to the imposition of a penalty.

HEAD OFFICE (MIDRAND): Building 4, Waterfall Point Office Park, Cnr Waterfall and Woodmead Drive, Waterfall City, Midrand, 1685, SOUTH AFRICA

CENTRAL REGION: Building 2, Waterfall Point Office Park, Cnr Waterfall and Woodmead Drive, Waterfall City, Midrand, 1685, SOUTH AFRICA

COASTAL REGION: 2 Long Street Building, 2 Long Street 11th Floor, Cape Town, 8000, SOUTH AFRICA

EASTERN REGION: Embassy Building (22nd Floor), 199 Anton Lembede Street, Durban, 4000, SOUTH AFRICA

Dr Nomusa Zethu Qunta (Chairperson), Mr Boy Johannes Nobunga (Deputy Chairperson), Ms Tshepo Kgare (Acting CEO), Mr Christiaan Johan de Vos, Major-General Michael Monashi Motlhala, Ms Hilda Thamaga Thopola, Major-General Willem Adriaan Venter, Ms Ntombizine Mbiza, Mr Andre Harrison, Mr Tibor Szana, Ms Irene Nthulane, Mr Jan-David de Villiers

2. Transnet SOC Ltd failed to immediately notify the Railway Safety Regulator (RSR) of the level crossing collision that occurred at Olifantsrivier Level Crossing in Witbank on 04 February 2020; the accident resulted in three (3) injuries to the road vehicle occupants and the RSR should have been immediately notified within 15 minutes.
3. Transnet SOC Ltd failed to report to the RSR the Category K and L daily occurrences for the period July 2019 to September 2019.
4. Section 37 of the Act requires that operator must report to the Chief Executive Officer the category and type of all railway occurrences in the manner and form prescribed by the Minister.
5. As a result of the contraventions afore-mentioned and in terms of section 45(3) of the Act, the conduct displayed by Transnet constitutes an offence for which Transnet SOC Ltd could be liable, on conviction, to a fine or imprisonment for a period not exceeding 5 years, or to both a fine and imprisonment.
6. In light of the above, the Regulator hereby notifies TRANSNET SOC Ltd of its intention to impose a penalty on TRANSNET SOC Ltd of R 436 000 (FOUR HUNDRED AND THIRTY SIX THOUSAND RANDS) in terms of Regulation 4 of the Penalty Regulations.
7. TRANSNET SOC Ltd is therefore required, in terms of Regulation 5(3) of the Penalty Regulations and within 21 (twenty-one) days of receipt of this Contravention Notice to:
 - (a) admit liability for the contravention and proposed penalty; or
 - (b) admit liability for the contravention but dispute the proposed penalty; or
 - (c) dispute both the contravention and the penalty.

8. Kindly be informed that failure to comply with the provisions of Regulation 5(3) quoted above will leave the Regulator with no alternative but to proceed with the imposition of the penalty of R 436 000 (FOUR HUNDRED AND THIRTY SIX THOUSAND RANDS).
9. Should TRANSNET SOC Ltd fail to pay the penalty by the required time, in the prescribed manner, the Regulator will charge interest on the principal debt in accordance with the Prescribed Rate of Interest Act, 55 of 1975.
10. The penalty amount will be payable within 30 days of the date of invoice, into the RSR bank account:
Account Name: RSR
Account Number: 4059370197
Bank, Branch: ABSA, Sandton Premium
Branch Code: 637956
Swift Address: ABSA ZA JJ
11. Please be advised that in the event of a dispute, the matter shall be entertained in terms of Regulation 6A of the Penalty Regulations.

Your co-operation in this regard is appreciated.

Kind regards

A handwritten signature in black ink, appearing to read 'Muziwandile Masango', is written over a printed name.

Muziwandile Masango

Railway Safety Inspector