

Covid 19 Furniture Removal Sector Submission nr 3 after Nerve Centre reply and Directive received

To: **The Honorable Ebrahim Patel, MP**
Minister of Trade and Industry
Per email: KMotlhabi@economic.gov.za; mebrahim@thedti.gov.za

The Honourable Dr Nkosazana Dlamini Zuma, MP
Minister of Cooperative Governance and Traditional Affairs

Per email: MandisaMB@cogta.gov.za; MathoM@cogta.gov.za;
legadimal@cogta.gov.za; CarolineM@cogta.gov.za

The Honourable Fikile Mbalula, MP
Minister of Transport
Per email: TransportMinistry@dot.gov.za

From: Dirk Smit – AMOSA Chairman

Date: 7th of May 2020

Re: Third Submission to South African National Government regarding Nerve Centre Reply and formalizing of given Directive.

Dear Honourable Ministers,

I refer to the National Ministerial briefing that took place on 25th, 29th of April and 1st of May 2020.

I also refer to our written submission on the 26th of April and 5th of May 2020.

The following response (Copied and pasted below) was received by the RFA from the Nerve Centre on the 6th of May 2020:

From: NerveCentre <NerveCentre@ndmc.gov.za>
Sent: Wednesday, 06 May 2020 12:06
To: Gavin Kelly <gkelly@rfa.co.za>
Subject: RE: Urgent correspondence regarding road freight operations

Dear Mr Kelly

We acknowledge with thanks receipt of your e-mail.

The previous regulations issued by the Minister up to 20 April 2020 did not make provision for the issuance of a permit by the Minister for matters involving exceptional circumstances i.e removal of furniture. These regulations were repealed by the regulations published on 29 April 2020.

In terms of the these regulations, the operation of freight haulers may include furniture removal companies (see interpretation below). The Minister also published Directions on the once off movement of people between provinces if needs be to return to their residences up to and including 7 May 2020.

INTERPRETATION

The regulations issued by the Minister on 29 April 2020, which apply from 1 May 2020, in Regulation 22 provides for:

“(1) Rail, ocean, air and road transport is permitted for the movement of cargo to other countries and within the Republic of South Africa, subject to national legislation, for the transportation of the following goods—

- (a) ...;
- (b) ...;
- (c) ...;
- (d) ...;
- (e) ...;
- (f) transport of goods within the Republic of South Africa; and
- (g) any other goods [1]as set out in Directions by the relevant Cabinet member; taking into account health risks, constrained capacity at ports of entry and other factors relevant to the health, public order and economic effects of Covid-19.”

The Regulations provide no specific definition of goods. Reference is made in the Regulations to

Chairman: Dirk Smit

Regional Chairpersons:

Kwa-Zulu Natal	Martin De la Rey
Northern Region	Carla Rodrigues-Schoeman
Western Cape	Ryan Kruger

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‘essential goods for import’ which is specifically listed in annexure B, ‘permitted goods for export’ which is listed in annexure C and ‘permitted goods’ which refers to Part E in Table 1. Elsewhere in the document ‘goods’ have no specific limitation and support a broad definition.

Table 1 for Alert Level 4 provides as follows:

“Persons in the following list of industries and activities will be permitted to perform work outside the home, and to travel to and from work, under Alert Level 4, subject to—

- (a) strict health protocols, and social distancing rules;
- (b) return to work to be phased in to enable measures to make the workplace COVID-ready; and
- (c) return to work to be done in a manner that avoids and reduces risks of infection.”

In the Table1 the following is provided within Part J:

PART J

TRANSPORT, STORAGE AND COMMUNICATION SERVICES PERMITTED

1

Ocean, rail, road and air transport of goods permitted only for activities set out in Regulation 22(1).

2

...

3

...

4

Transport and logistics in respect of specified cargo specified in J1, ...

The Draft Framework for Public Consultation issued on 25 April 2020 ‘Schedule of Services, Framework for Sectors’ which invited public comment indicates:

“Classification of sector follows the Standard Industrial Classifications (SIC) as published by Statistics South Africa. Where an entire division is permitted, it should be assumed that all subgroupings are permitted as well. Where only certain subgroupings are specifically permitted within a division, it

should be assumed that other subgroupings are not.”

The Standard Industrial Classification (SIC) of all Economic Activities Seventh Edition (2012) can be found on the Statistics South Africa website and must be read with the table above.

In the SIC under ‘4923 Freight transport by road’ which deals with all freight transport operations by road, it is indicated that ‘This class also includes: furniture removal’.

Therefore freight haulers would appear to include furniture removal companies.”

We trust that this assists.

Regards

DOC

From: Caroline Mangwane [<mailto:CarolineM@cogta.gov.za>]

Sent: Tuesday, 05 May 2020 22:16

To: NerveCentre <NerveCentre@ndmc.gov.za>

Cc: Mandisa Mbele <MandisaMB@cogta.gov.za>; Matho Mhlongo <MathoM@cogta.gov.za>;
Pamela Salusalu <PamelaS@cogta.gov.za>; gkelly@rfa.co.za

Subject: FW: Urgent correspondence regarding road freight operations

We urgently require the Department of Transport to formalize this directive in a manner that can be presented operators and law enforcement. Either a letter or publication for ease of reference.

We look forward to your urgent reply,

Yours sincerely

Dirk Smit – AMOSA Chairman