



Media Statement

For Immediate Release

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COMMISSIONER CALLS FOR CRIMINAL CHARGES AS ROBBER ISLAND BOAT OWNERS GET FINED

The Commission welcomes the confirmation, as an order by the Competition Tribunal, the consent agreement with three vessel owners who ferry passengers between the Robben Island Museum and the V&A Waterfront in Cape Town.

Thembekile Maritime Services (Pty) Ltd (Thembekile); Silverbuckle Trade 21 CC t/a Yacoob Yatch (Silverbuckle and Nauticat Charters (Pty) Ltd (Nauticat Charters) admitted to charges of price fixing and collusive tendering. Further, the companies agreed to assist the investigation and the following administrative penalties were imposed:

1. Thembekile R350 000.00;
2. Silverbuckle R249 171.72;
3. Nauticat Charters R422 087.87

In May 2017, five boat companies, which include Ferry Charters (Pty) Ltd (Ferry Charters) and Tigger 2 Charters (Pty) Ltd (Tigger 2 Charters), were referred to the Competition Tribunal for prosecution on charges of price fixing and collusive tendering.

This is after the Commission received a complaint from the Robben Island Museum against the five vessels owners who provide chartering services to the Museum's clients from the V&A Waterfront to Robben Island and vice versa.

The subsequent investigation found that around 22 September 2015, the respondents met at the Cape Town Fish Market Coffee Shop where they discussed and agreed to increase the prices they would charge when responding to a tender that would be issued by the Museum. The tender was for bidders to be listed on the Museum's database as preferred service providers for a 12 month period.

The Commission's investigation also found that subsequent to the agreement reached at the coffee shop meeting:

- Thembekile and Nauticat Charters increased their prices to R18 000 per trip for 140 passengers. Ferry Charters did not alter their prices as it was already charging R18 000 per trip for 140 passengers and this resulted in all three quoting the same price of R18 000 for per trip for 140 passengers; and
- Silverbuckle and Tigger 2 Charters also increased their prices as agreed during the coffee shop meeting, but not to the same extent as that of the other respondents as their vessels are smaller.

This conduct constitutes price fixing and collusive tendering in contravention of the Competition Act. In respect of the remaining respondents, the Commission is seeking a similar order declaring that the two respondents contravened the Competition Act and that they are liable to pay an administrative penalty equal to 10% of their annual turnover.

“Robben Island is an iconic site that represents the saddest and richest history of this country dating back centuries. The museum deserves to be treated with great pride and respect as it symbolises the peak of courage and triumph of human spirit. The actions of these vessel owners exhibited disdain for this country's history and utter disrespect for the people. Those who show neither remorse nor shame must be considered for criminal prosecution,” says Commissioner Tembinkosi Bonakele.

[ENDS]

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