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GENERAL NOTICE

NOTICE 823 OF 2012



MINISTRY OF TRANSPORT AND PUBLIC WORKS

INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA

Background and purpose of regulations

1. Over the past few months (July 2012 – September 2012) a number of operators have been murdered in the greater Bellville area due to taxi-related conflict. The Department of Transport and Public Works have received numerous reports from various sources indicating growing tension and associated violent confrontations between minibus-taxi operators affiliated to the Bellville Taxi Association (BELTA), Durbanville Taxi Association and Bloekombos Wallacedene Taxi Association. This has brought to an end a 30-month period of relative peace and stability in the taxi industry. These route associations form part of the CATA (Cape Amalgamated Taxi Association) region. Numerous attempts were made by the Department to resolve internal disputes within and between these associations. Mediators contracted by the Department have been dispatched to the affected areas to gather information and to meet with affected operators in the area. These attempts have been relatively fruitless and the situation on the ground remains highly volatile.
2. After carefully analysing the situation it is my considered view that the safety of passengers, operators, drivers and people entering the area is compromised by the ongoing conflict between members of the mentioned associations. There is also the possibility that this tension will spread to surrounding areas and ultimately impact the entire metropolitan area. This should be averted and it is the intention of the Department to act decisively and to take action against offending operators.

Proposed Action/Regulations

3. As the MEC for Transport and Public Works in the Province of the Western Cape, it is my intention to invoke my powers in terms of section 91 of the National Land Transport Act (Act 5 of 2009)(NLTA). After consultation with the relevant planning authority (in this case the City of Cape Town) I have decided to declare the areas

mentioned in paragraph 4 as high-risk in respect of taxi violence. I am hereby giving notice of my intention to take one or more or all of the actions listed below:

- To close one or more or all the routes or ranks in a declared area for the operation of any type of public transport service (by affected operators), for the period stated in the notice;
- To suspend any operating licence or permit authorising any of the services on a closed route or routes or at a closed rank or ranks (for affected operators) in the declared area for the relevant period;
- To instruct that no person may undertake any of the services on a closed route or routes or at a closed rank or ranks in the declared area or in terms of an operating licence or permit that has been suspended; and
- To allow other operators, who need not be the holders of operating licences/permits for the affected routes/areas currently, to come in and provide the services in the interim period until the situation returns to normal.

Please note that these actions will be implemented in phases at my judgement after consultation with other government departments and affected stakeholders.

4. This untenable situation is compromising peace and stability within the minibus-taxi industry and could result in further incidents of violence and the loss of human lives. This should be avoided at all cost. To stabilise the situation and to avert tension between operators at ranks or along the route, I will, if I deem fit, close all minibus-taxi ranks in the following areas:

- Bellville
- Durbanville
- Bloekombos
- Wallacedene
- Eversdal
- Welgemoed
- Tygervalley

Although not all the routes at Bellville Minibus-taxi Rank are affected by the violence, it is considered prudent to close the entire rank to avoid further tension with other associations. No minibus-taxi operations will be allowed in these areas. I do however reserve the right to only close certain of the routes in a particular area or certain of the loading lanes at a particular rank or ranks depending on the progress made by mediators, advice received from other stakeholders/government departments and the situation on the ground.

5. The following network of routes will also be closed for minibus-taxi operations:

Route Number	Origin	Destination	Association
1	Bellville	Durbanville	BELTA CATA
2	Bellville	Nyanga	BELTA CATA
4	Bellville	Mowbray	BELTA CATA
40	Bellville	Wallacedene	BELTA CATA
124	Bellville	Cape Town	BELTA CATA
255	Bellville	Cape Town	BELTA CATA
404	Bellville	Bloekombos	BELTA CATA
405	Bellville	Bloekombos	BELTA CATA
175	Bellville	Eversdal	BELTA CATA
319	Bellville	Eversdal	BELTA CATA
601	Bellville	Welgemoed	BELTA CATA
602	Bellville	Welgemoed	BELTA CATA
A76	Tygervalley	Bellville	BELTA CATA
F41	Bellville	Durbanville	BELTA CATA
F77	Bellville	Mitchells Plain	BELTA CATA
K93	Bellville	Du Noon	BELTA CATA
N73	Bellville	Du Noon	BELTA CATA
J33	Bellville	Century City via N1	BELTA CATA
J34	Bellville	Century City	BELTA CATA
*G37	Bellville	Gugulethu	BELTA CATA
*K57	Bellville	Crossroads	BELTA CATA
*K92	Bellville	Stellenbosch	BELTA CATA
*P54	Bellville	Cape Gate	BELTA CATA
*P55	Bellville	Tygervalley	BELTA CATA
*P56	Bellville	Vredeloof	BELTA CATA
*P72	Bellville	Samora Machel	BELTA CATA
*Q56	Bellville	Lower Crossroads	BELTA CATA
*F43	Bellville	Atlantis	BELTA CATA
*G30	Bellville	Umtata	BELTA CATA
*H56	Bellville	Hermanus	BELTA CATA
*H57	Bellville	Worcester	BELTA CATA
*J23	Bellville	East London	BELTA CATA
*K91	Bellville	George	BELTA CATA
*M42	Bellville	East London	BELTA CATA

*N91	Bellville	Cape Town	BELTA CATA
323	Durbanville	Bellville	Durbanville Taxi Association
309	Durbanville	Wallacedene	Durbanville Taxi Association
324	Durbanville	Zanddamplaas (Durbanville)	Durbanville Taxi Association
532	Durbanville	Klipheuwel Pad Durbanville	Durbanville Taxi Association
F58	Durbanville	Klipheuwel	Durbanville Taxi Association
F59	Durbanville	Durbanville	Durbanville Taxi Association
F60	Durbanville	Keibeas Farm	Durbanville Taxi Association
172	Bloekombos/Wallacedene	Bellville	BLOEWATA
173	Wallacedene	Bellville	BLOEWATA
F15	Bloekombos	Bellville	BLOEWATA
F16	Wallacedene	Bellville	BLOEWATA
467	Bloekombos	Bellville	BLOEWATA
548	Kraaifontein	Bellville	BLOEWATA
G98	Kraaifontein	Bellville	BLOEWATA
461	Bloekombos	Scottsville	
462	Scottsville	Bellville	BLOEWATA
459	Scottsville	Bellville	BLOEWATA
466	Bloekombos	Wallacedene	
468	Bloekombos	Durbanville	
317	Northpine	Bellville	BLOEWATA
335	Northpine	Bellville	BLOEWATA
337	Northpine	Bellville	BLOEWATA
544	Northpine	Bellville	BLOEWATA
556	Eikenfontein	Bellville	BLOEWATA
544	Northpine	Bellville	BLOEWATA
538	Brackenfell Station	Bellville	BLOEWATA
E89	Wallacedene	Durbanville	BLOEWATA
G13	Bloekombos	Kraaifontein Station	BLOEWATA
G14	Bloekombos	Durbanville	BLOEWATA
G81	Bloekombos	Shoprite Kraaifontein	BLOEWATA
L89	Wallacedene	Bloekombos	BLOEWATA
N83	Bloekombos	Cape Gate	BLOEWATA
N84	Wallacedene	Cape Gate	BLOEWATA

N87	Bloekombos	Cape Gate	BLOEWATA
Q84	Wallacedene	Brackenfell	BLOEWATA
Q85	Wallacedene	Brackenfell	BLOEWATA


6. If there are any further occurrences of violence, I will have no option but to close the mentioned routes/ranks for a period of two months. Before the ranks/routes are closed, I will publish a final notice in the government gazette. This will allow my Department sufficient time to meet with all affected parties to engineer a peaceful resolution to the conflict. If peace and stability in the area is restored before the end of the two-month period, the routes/ranks will be re-opened and the suspension imposed on the associations and operating licences/permits will be lifted. Should my Department be unable to resolve the conflict within the stipulated period, the interceding measures will prevail for a further two-month period.
7. Where ranks/routes are closed, all affected permits/operating licences (for the routes mentioned in paragraph 5) will be suspended for the same period (mentioned in paragraph 6). The provision of public transport services on the closed routes or in declared areas by current operators constitutes an offence and a fine of R5000 or imprisonment, not exceeding 6 months, will be imposed. Vehicles will also be impounded if the terms and conditions of the regulations are breached. Please note that an offending operator also runs the risk of having his or her operating licence/permit withdrawn using the provisions of section 79 of the NLTA.
8. I also intend to use my powers in terms of section 74 of the NLTA to allow other operators, who need not be the holders of operating licences/permits for the affected routes/areas currently, to come in and provide the services in the interim period until the situation returns to normal. Temporary operating licences will be issued for this purpose using the provision of section 91(6) read together with section 60 of the NLTA.

Comments/Representations by interested or affected parties

9. All persons who have an interest in the matter or who are affected by such regulations may make written representations to the Department within a period of 7 calendar days from the date of this notice and may also request reasons for the proposed regulations.

10. Representations may be submitted to the Department of Transport and Public Works, 8th Floor, 9, Dorp Street, Cape Town on or before the **12th of October 2012**.

Kind regards



ROBIN CARLISLE
MINISTER OF TRANSPORT AND PUBLIC WORKS

Date: 05 October 2012

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