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GENERAL NOTICE

NOTICE 1232 OF 2013



Ministry of Transport and Public Works

INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA

Background and purpose of regulations

1. Over the last 12 months the Delft area has been marred by incidents of violence and the senseless killing of minibus-taxi operators and drivers. Commuters have also been injured during the on-going violence. The violence is a direct consequence of rivalry over control of both local and long distance routes. This has resulted in illicit practices by associations and members, which is a clear violation of the Standard Constitution, Code of Conduct and transport legislation.
2. The initial conflict in Delft was concentrated mainly on the Delft – Epping route but has now shifted to the Khayelitsha – Delft route as well as other local routes in the area. Many cases of route invasions and subjugation have been reported to the Department, which has resulted in legal operators being prevented from plying their trade. Money has also been extorted from operators in turn for rights to operate in the Delft area. There is also intense rivalry for control over inter-provincial (long distance) routes to the Eastern Cape. The conflict in the area was intensified following the formation of a new 'mother body' known as Delft Unity Taxi Alliance/Association. There is also empirical evidence suggesting the involvement of associations operating outside of the Delft area. The associations involved in the current conflict are affiliated to the following SANTACO regions:
 - Northern Region
 - CATA region
 - CODETA Region
3. The Department of Transport and Public Works in partnership with the Department of Community Safety, the City of Cape Town, SAPS and other Law

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Enforcement Agencies have invested a considerable amount of time and effort to restore peace and stability in the Delft area. A series of meetings have taken place with affected associations to establish the underlying reasons for the conflict and instability and to identify the most practical interventions to bring about peace and stability in the area. Affected associations and regions were also invited to an inquiry into the on-going taxi violence in Delft that was hosted by the Department of Transport and Public Works in partnership with the City of Cape Town and SANTACO Western Cape. This inquiry took place on 23 and 24 October 2013 in Caledon. A number of interim resolutions were adopted by the industry at the inquiry to end the violence in the Delft area. Since then, there have been a number of further engagements with affected parties to discuss complex operational matters.

4. These efforts tempered the situation temporarily but did not bring a permanent end to the violence in the area. Minibus-taxi Associations and its members continue to show disregard for the law and the provisions of the Standard Constitution and Code of Conduct. The situation in Delft has de-generated to such an extent that the safety of the commuting public can no longer be guaranteed.
5. Given the violence and instability in the minibus-taxi industry in Delft, It is the view of the Department of Transport and Public Works and the City of Cape Town that the safety of passengers utilising the relevant services, residents; and persons entering the area has deteriorated to an unacceptable level. It is incumbent upon government to ensure a safe and dignified environment for public transport users and this necessitates the implementation of extraordinary measures.

Proposed Action/Regulations

1. As the Minister 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 am hereby giving notice of my intention to take one or more or all of the following actions:

- To declare the Delft residential area as high-risk in respect of taxi violence;
- 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 define all official minibus-taxi facilities in the Delft area and to prohibit the provision of minibus-taxi type services from unofficial ranks;
- 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;
- To temporarily suspend any operating licence or permit insofar as it authorises public transport in a declared area on a route or routes or at a rank or ranks **not closed** in terms of these regulations. No operator will be allowed to do any further transactions on such suspended permits or operating licences; 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.

2. 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, It is my intention to close certain or all of the minibus-taxi ranks in the following areas:

- Delft - Roosendal
- Delft – Leiden
- Delft – Voorbrug
- Delft – Eindhoven
- Delft – Suburban Bliss (Delft South)
- Delft - Katanga

I 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 and the Task Team, advice received from other stakeholders/government departments and the situation on the ground.

3. The following routes are currently affected by the violence in the minibus-taxi industry in the Delft area:

Origin	Destination
Delft	Epping
Khayelitsha	Delft
Delft	Inter-municipal
Delft	Inter-provincial

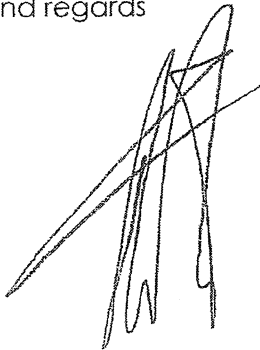
4. If there are any further occurrences of violence, I will have no option but to close the mentioned routes/ranks for a period of two months. Before the ranks/routes are closed, I will publish a final notice in the government gazette. This will allow my Department sufficient time to meet with all stakeholders to formulate a contingency plan and to inform commuters and community organisations of the proposed action. 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.
5. Where ranks/routes are closed, all affected permits/operating licences will be suspended for the period mentioned in paragraph 4). This includes temporary operating licences and charter operating licences issued for the Delft area by the Provincial Regulatory Entity. The provision of public transport services on the closed routes or in declared areas by current operators (with any operating licence) constitutes an offence and a fine of R15,000 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.
6. 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

7. 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.

8. Representations may be submitted to the Department of Transport and Public Works, 8th Floor, Dorp Street, Cape Town on or before **31 December 2013**.

Kind regards



Robin Carlisle
Minister of Transport and Public Works
Western Cape Government
Date: 18 December 2013

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