
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT**NOTICE 238 OF 2017****INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA****Background and purpose of regulations**

1. Over the last 3 weeks the Delft area has been disrupted by incidents of violence and the senseless killing of minibus-taxi operators and drivers. These unlawful practices by some individuals or groups involved in the taxi industry are a clear violation of the Standard Constitution, Code of Conduct and transport legislation as well as the Memorandum of Agreement signed by all the affected parties to ensure peace and stability within the Delft area. The violence is a direct consequence of rivalry over control of both local and long distance routes (e.g. Lane 13 on the Cape Town station deck).
2. Commuters stand the risk of being injured or being killed during the on-going violence. On 19 March 2017 there was an incident whereby shots were fired at police officers doing duty in the Delft area. Attacks on law enforcement officials make the situation untenable and there is a genuine concern that this violence may escalate into a full blown war between rival taxi associations operating to and from the Delft area.
3. The initial conflict in Delft was concentrated mainly at an informal rank called 'die blad' but has now shifted to the station deck in the Cape Town CBD 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. There is also intense rivalry for control over inter-provincial (long distance) routes to the Eastern Cape from Delft. The conflict in the area is also being fuelled by the planned formation of a sub-council of SANTACO known as the Delft region in the run up to SANTACO's provincial election. There is also empirical evidence suggesting the involvement of associations operating outside of the Delft area in the incidents of violence referred to herein. The associations involved in the current conflict are affiliated to the following SANTACO regions:
 - Northern Region – Delft Cape Town Taxi Association
 - CATA region – CATA Seawater Taxi Association
4. The Department of Transport and Public Works in partnership with the City of Cape Town, 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 place 75 Delft illegal operators, left over from the last conflict, with route based associations as a means to address the underlying reasons for the conflict and instability and to identify the most practical interventions to bring about peace and stability in the area.

5. Affected associations and regions participated in a protracted process to address the on-going taxi conflict and disputes in Delft. This was hosted by the Department of Transport and Public Works in partnership with the City of Cape Town and SANTACO Western Cape. It was agreed through this process to place the 75 illegal Delft operators across 24 route based associations. The last meeting was held on 22 February 2017, which saw the walk-out of the Delft Cape Town Taxi Association, claiming that they do not support the agreement that was reached amongst the various role players. This effectively scuppered the agreement. Since then, there have been no further engagements with affected parties to discuss restoring the agreement.
6. The joint efforts by the Department of Transport and Public Works, the City of Cape Town and SANTACO tempered the situation temporarily, but did not bring a permanent end to the violence in the area. Following the collapse of the negotiations to place the 75 illegal operators, the situation in Delft has degenerated to such an extent that the safety of the commuting public can no longer be guaranteed.
7. 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 threats to the safety of passengers utilising the relevant services, residents and persons entering the area are now at an unacceptable level. It is incumbent upon government to ensure a safe, reliable and dignified environment for public transport users and this necessitates the implementation of extraordinary measures.

Proposed Action/Regulations

1. As the MEC for Transport and Public Works in the Province of the Western Cape, I intend 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 hereby give 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 official minibus-taxi facilities in the Delft area and to prohibit the provision of minibus-taxi type services from unofficial ranks, including closed 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 discretion 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 lives. This should be avoided at all cost.
3. 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:
 - “Die blad”
 - Delft - Roosendal
 - Delft – Leiden
 - Delft – Voorbrug
 - Delft – Eindhoven

- Delft – Suburban Bliss (Delft South)
- Delft – Katanga
- Cape Town Station deck= Lane 13
- And or any other rank that may be affected directly by this violent conflict

I reserve the right to close only 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.

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

Origin	Destination
Delft	Cape Town
Delft	Elsies River
Delft	Belhar Parow
Delft	Bellville
Delft	Mitchell's Plain
Delft	Langa
Delft	Epping
Delft	Unibell
Delft	Inter-Municipal
Delft	Inter-Provincial
Delft	Nyanga

5. If there are any further occurrences of violence, I will have no option but to close the mentioned routes/ranks for an initial period of up to two months and to cancel or postpone the process of legalising the 75 illegal operators. 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 are restored to my satisfaction 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 measures will prevail for a

further two-month period and be repeated thereafter for as long as the situation remains unsatisfactory.

6. Where ranks/routes are closed, all affected permits/operating licences will be suspended for the period mentioned in paragraph 5). 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.
7. 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

8. 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.
9. Representations may be submitted to the Department of Transport and Public Works, 8th Floor, Room 8-29, 9 Dorp Street, Cape Town on or before **31 March 2017**.



DAC Grant

Minister of Transport and Public Works

Western Cape Province

Date: *23 March 2017*