
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT**NOTICE 287 OF 2019**

Mark Skriker

Provincial Regulatory Entity

Email: Mark.skriker@westerncape.gov.za

tel: (021) 483 0258 fax: (021) 4830206

The Chairperson**Peninsula Taxi Association****KENFACTA Taxi Association****Mowbray Taxi Association****Main Road Taxi Route (Greencabs) Taxi Association****Athlone and Districts Taxi Association****Manenberg Taxi Association****CATA Bellville Taxi Association****Heideveld Cathkin Taxi Association****Bellville Owners Taxi Association****Bonteheuwel Taxi Association****NOTICE OF INQUIRY CALLED BY THE PRE IN TERMS OF REGULATION 9(2) OF THE NATIONAL LAND TRANSPORT REGULATIONS (2009) INTO MINIBUS-TAXI OPERATIONS TO AND FROM CAPE TOWN STATION DECK.**

1. The City of Cape Town has just completed the redevelopment / revamping of Cape Town Station Deck Taxi Facility and is in the process of issuing rank tokens to qualifying operators to provide minibus-taxi type services to and from this facility. This is a complex exercise that requires every single operating licence to be checked against the Land Transport Permit System.
2. The City has alerted us to the fact that there are variations on operating rights in respect of certain routes. Whilst most of the operating licences authorising minibus-taxi type services on identified routes have a clear restriction precluding the holder from loading passengers at Cape Town Station Deck, there are a few licences that allow the operator to return along that route. The words "and return" is generally accepted as authority to load at the destination (B) point. There are therefore variations on the same route and this makes the process of issuing rank tokens extremely challenging.
3. These operators and their legal teams have now requested the City to issue rank tokens without delay and has also reserved the right to approach the courts should they be prevented from exercising their legal rights. The City in turn has approached the issuing authority (PRE) for guidance before issuing tokens. To prevent the erroneous issuing of rank tokens, a thorough reconnaissance has to be done. This will require the PRE to check the history of each operating licence to see when a

restriction was imposed or removed. Given the number of operating licences on the affected routes, this exercise will take a minimum of three months to complete.

4. Given the potential for conflict between operators and associations, the PRE has commissioned an inquiry in term of regulation 9(2) of the National Land Transport Regulations. This regulation provides the PRE to investigate any matter relating to land transport and to make recommendations to the PRE. In dealing with any matter before it, a PRE must have the prescribed powers (see section 25 of the National Land Transport Act (Act no.5 of 2009) ("NLTA"). Those powers are carefully circumscribed in regulation 9 read together with regulation 5 of the National Land Transport Regulations (2009). This includes, inter-alia, the power to issue a subpoena in the standard form requiring a person to appear before it to give evidence or to produce any book, plan or document in the possession of or under the control of that person, to require that oral evidence be given under oath or affirmation and for that purpose, administer an oath or take down an affirmation.
5. It should be noted that no operating licences will be withdrawn, amended or suspended as part of the regulation 9(2) inquiry. This is a fact finding mission by the PRE that will inform other statutory processes i.e. an inquiry in terms of section 79 of the NLTA or section 7(a)(20) of the Western Cape Road Transportation Act, Amendment Law (Act no.8 of 1996). These will be separate processes, the outcome of which cannot be pre-empted at this stage.
6. Your association and other affected / interested parties are invited to make representations to the PRE on this matter. You may choose to make written and/or verbal representations to the PRE. In the case of written submissions, documents must reach the PRE before the close of business on **18 June 2019**. The representations may be made by a member of the Association or through a duly authorised representative as authorised by the executive committee of the Association. In the case of a duly authorised / legal representative, written proof must be submitted to the PRE of his / her appointment.
7. Please note that each party will be given a specific time period to address the PRE (see attached timetable). All hearings will take place in the Tribunal Hall at Vangate Shared Service Centre (Athlone). **Please only attend your scheduled session and present to the PRE your recollection of events.** You will not be allowed to be part of proceedings when another Association makes representations to the PRE.
8. We have considered it prudent to call the Association to this inquiry given that routes are assigned to individual associations. Your punctual presence will be appreciated. All information submitted in relation to the matter will be duly considered by the PRE in reaching a final decision. Our request is for all parties to respect the process and to fully co-operate with the PRE so that an informed decision can be made.