
GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT

NOTICE 520 OF 2020



NOTICE OF INQUIRY CALLED BY THE PRE IN TERMS OF REGULATION 9(2) OF THE NATIONAL LAND TRANSPORT REGULATIONS (2009) INTO MINIBUS-TAXI OPERATIONS IN THE PLETTENBERG BAY AREA.

1. The above matter is currently the subject of a Western Cape High Court case 20783/2019 : Plettenberg Taxi Organisation and members of Plettenberg Taxi Organisation // UNCEDO Service Taxi Association, Plettenberg Bay and others.
2. Information extracted from the Registrar's Administration System and the Public Transport Regulation System shows that there are two registered taxi associations operating in the Plettenberg Bay area namely Plettenberg Bay Taxi Association and UNCEDO Plettenberg Bay Taxi Association. Both associations are registered with the Office of the Provincial Taxi Registrar in terms of the Western Cape Road Transportation Act, Amendment Law (Act no. 8 of 1996).
3. Most of the routes served by the two associations are mutually exclusive but reports indicate that certain are shared by the two associations viz route 825 Plettenberg Bay – Kurland, route 826 Plettenberg Bay – Knysna and 901 Kranshoek – Plettenberg Bay. In addition, the rights to provide minibus-taxi type services on route Z11 The Craggs – Plettenberg Bay, route R77 Plettenberg Bay – Knysna as well as routes to Long Ships, The Duine is being disputed by the two associations. The shared routes have always stimulated polemical discussions and has escalated tensions between the parties.
4. Given the potential for route-related 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 MEC responsible for Transport in the province. 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").
5. The mentioned 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

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given under oath or affirmation and for that purpose, administer an oath or take down an affirmation.

6. As part of the inquiry, all operating licences authorising minibus-taxi operations on the affected routes will be carefully analysed. The PRE will review the history of each operating licence by checking all transactions conducted by the holder to determine when this route authority was issued, whether or not restrictions were imposed, which association provided the letter of support, comments / directives provided by municipalities, other relevant supporting documents, etc. The registration information of affected associations and members will also be reviewed.
7. All affected parties will be allowed to inspect these documents at the PRE offices in preparation for the inquiry. The findings of this inquiry will be made available to all affected parties. A report will also be filed with the Western Cape High Court. We ask for your indulgence whilst this process is underway.
8. 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.
9. The PRE will conduct a briefing session with all affected parties on **29 October 2020** in the Plettenberg Bay area. The venue for the briefing session will be communicated soonest. Any person interested or affected by the matter who wants to join proceedings must submit a written motivation for consideration by the PRE by the close of business on **21 October 2020**.
10. Affected associations / parties must submit initial reports on the matter to the PRE by the close of business on **6 November 2020**. The initial reports will be circulated to all concerned in preparation for the inquiry. Individual sessions with affected parties will be conducted between **16 and 20 November 2020**. In inspection in loco will also be conducted by the PRE. Affected municipalities will be allowed to address the PRE on this matter based on the provisions of Integrated Transport Plans. Please note that all motivations / reports can be sent to Cornel.Geldenhuys@westerncape.gov.za.

Mark Skriker

CHAIRPERSON – WESTERN CAPE PROVINCIAL REGULATORY ENTITY

Date:



**Western Cape
Government**

Transport and Public Works

NOTICE OF INQUIRY CALLED BY THE PRE IN TERMS OF REGULATION 9(2) OF THE NATIONAL LAND TRANSPORT REGULATIONS (2009) INTO MINIBUS-TAXI OPERATIONS BETWEEN KHAYELITSHA AND SOMERSET WEST.

1. The above matter is currently the subject of a Western Cape High Court case 16469/2019 : Khayelitsha-Somerset West Taxi Association and members of the Khayelitsha-Somerset West Taxi Association //City of Cape Town and others.
2. The forward journey from Khayelitsha to Somerset West (route 611) is currently provided by members of the Khayelitsha-Somerset West Taxi Association. The return service on route 43 is provided by members of CATA Lwandle Taxi Association.
3. It has been submitted that there are variations on route 611 in respect of operating rights. Whilst most of the operating licences authorising minibus-taxi type services on this route have a clear restriction precluding the holder from loading passengers in Somerset West, it is averred that certain operating licences allow the holders to return along the same route. The words "and return" is generally accepted as authority to load at the destination (B) point.
4. Given the potential for route-related 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 MEC responsible for Transport in the province. 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").
5. The mentioned 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.

6. As part of the inquiry, all operating licences authorising minibus-taxi operations on the affected routes will be carefully analysed. The PRE will review the history of each operating licence by checking all transactions conducted by the holder to determine when this route authority was issued, whether or not restrictions were imposed, which association provided the letter of support, comments / directives provided by municipalities, other relevant supporting documents, etc. The registration information of affected associations and members will also be reviewed.
7. All affected parties will be allowed to inspect these documents at the PRE offices in preparation for the inquiry. The findings of this inquiry will be made available to all affected parties. A report will also be filed with the Western Cape High Court. We ask for your indulgence whilst this process is underway.
8. 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.
9. Any person interested or affected by the matter who wants to join proceedings must submit a written motivation for consideration by the PRE by the close of business on **5 October 2020**. The PRE will conduct a briefing session with all affected parties on **14 October 2020** at the PRE Offices in Athlone (Tribunal Hall).
10. Affected associations / parties must submit initial reports on the matter to the PRE by the close of business on **23 October 2020**. The initial reports will be circulated to all concerned in preparation for the inquiry. Individual sessions with affected parties will be conducted between **9 and 13 November 2020**. In inspection in loco will also be conducted by the PRE. Affected municipalities will be allowed to address the PRE on this matter based on the provisions of Integrated Transport Plans. Please note that all motivations / reports can be sent to Cornel.Geldenhuys@westerncape.gov.za.