

GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. 3149

14 March 2023



dcstm

Department:
Community Safety and Transport Management
North West Provincial Government
REPUBLIC OF SOUTH AFRICA



OFFICE OF THE MEC

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PROVINCIAL EXTRAORDINARY MEASURES 1ST MARCH 2023

NO.

GENERAL NOTICE * ALGEMENE KENNISGEWINGS
GENERAL NOTICE ____ OF 2023

DEPARTMENT OF COMMUNITY SAFETY AND TRANSPORT MANAGEMENT.
EXTRAORDINARY MEASURES IN DECLARED AREAS

REGULATIONS IN TERMS OF CHAPTER 7 OF SECTION 91 OF THE NATIONAL LAND
TRANSPORT ACT, 2009 (ACT NO. 5 OF 2009)

I, Jonas Sello Lehari, in my capacity as Member of the Executive Council of the North West Province responsible for the Department of Community Safety and Transport Management, hereby make Regulations contained in the Schedule hereto under Section 91 of the National Land Transport Act, 2009 (Act No. 5 of 2009), in order to regulate Public Transport Industry matters in the North West Province and to deal with other matters connected therewith.

Given under my Hand at Mafikeng this 07 day of MARCH, Two thousand and twenty-three.

JONAS SELLO LEHARI MPL

Member of the Executive Council of the North West Province

Responsible for the Department of Community Safety and Transport Management

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"Let's Grow North West Together"



SCHEDULE

1. The North West Public Transport Intervention Team (NWPTIT) established through Regulations published in the Government Gazette No. 44871 on the 12th February 2021 and the Department in consultation with the Law Enforcement Agencies (traffic, police and intelligence services), Planning Authorities and Public Transport Stakeholders made the following findings on causes of conflict and violent confrontations within the taxi industry:
 - 1.1. Poor Governance of Primary Taxi Associations in contravention of their Constitution and membership increasingly unhappy with the management practices of Association;
 - 1.2. Fierce fight for the control of lucrative routes, ranking facilities and Association membership where legal operators are disenfranchised and that the Association Leadership recruited illegal members to crowd out the legal ones;
 - 1.3. Growing illegal operators conducting their taxi services business from illegally established ranks, hiking spots and from the door-steps of homes (Door to Door). Compounding these illegal operations is the use of foreign registered vehicles;
 - 1.4. The use of association's patrol squad units and appointed security companies to extort money from motorist and/or illegal operators through illegally impounding of vehicles and issuing of spot fines, a competence only reserved for law enforcement agencies;
 - 1.5. Engaging in Organised Crime by Hiring of Hit Squad Operatives to eliminate opposition, intimidate legal operators and create warlords within the taxi industry;
 - 1.6. Conflict of interest by state officials (Municipal and public servants) hampering effective law enforcement against offending operators and executives.
2. Since January 2022, the above factors have resulted in escalating violent confrontation, increased fatal shootings of operators and repeated disruption of Public Transport. Peace and Stability has deteriorated to unacceptable levels thereby requiring stringent measures to contain the situation and bring about stability.
3. As the MEC responsible for Community Safety and Transport Management in the North West Province, 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 various stakeholders, I

have decided to declare the following municipal areas and taxi services routes as high risk in respect of taxi violence:

3.1. Mafikeng Local Municipality

- 3.1.1. Mafikeng local routes
- 3.1.2. Mafikeng to Klerksdorp route
- 3.1.3. Mafikeng to Potchefstroom Route
- 3.1.4. Mafikeng N18 Corridor Routes
- 3.1.5. Mafikeng to Gauteng Routes
- 3.1.6. Ramotshere Moiloa Local Municipality: Dinokana Route

3.2. Matlosana Local Municipality

- 3.2.1. Klerksdorp to Eastern Cape Routes
- 3.2.2. Klerksdorp to Gauteng Routes
- 3.2.3. Klerksdorp to Rustenburg Routes
- 3.2.4. Stilfontein to Potchefstroom Route
- 3.2.5. JB Marks Local Municipality

3.3. DR Kenneth Kaunda District Municipality

- 3.3.1. Potchefstroom to Mahikeng Routes
- 3.3.2. Potchefstroom to Gauteng Routes
- 3.3.3. Potchefstroom local routes
- 3.3.4. Potchefstroom Routes to Ventersdorp
- 3.3.5. Wolmarranstad Location: Mokwase Hills

3.4. Rustenburg Local Municipality

- 3.4.1. Rustenburg CBD to Mining Areas
- 3.4.2. Rustenburg to Gauteng Routes
- 3.4.3. Rustenburg to Limpopo Routes
- 3.4.4. Rustenburg to Mafikeng Routes
- 3.4.5. Rustenburg to Zeerust/Koster Routes
- 3.4.6. Rustenburg to Eastern Cape Routes
- 3.4.7. Rustenburg to Lesotho Border Town Routes
- 3.4.8. Rustenburg to Zimbabwe/Mozambique Routes

3.5. Moses Kotane Local Municipality

- 3.5.1. Mogwase to Rustenburg
- 3.5.2. Mabeskraal to Rustenburg
- 3.5.3. Mabeskraal to Sun Village

3.6. Madibeng Local Municipality

- 3.6.1. Madibeng to Gauteng
- 3.6.2. Madibeng to Rustenburg
- 3.6.3. Madibeng to Letlhakaneng
- 3.6.4. Madibeng to Mafikeng

3.7. Kgetleng River Local Municipality

- 3.7.1. Koster to Rustenburg
- 3.7.2. Koster to Lichtenberg
- 3.7.3. Koster to Swartruggens

3.8. Taung Local Municipality

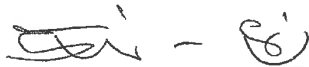
- 3.8.1. Taung to Gauteng
- 3.8.2. Taung to Rustenburg
- 3.8.3. Taung to Klerksdorp/Potchefstroom

4. I am hereby giving notice of my intention to take one or more or all of the actions listed below:

- 4.1. To close one or more or all the routes and the rank(s) in the declared area for the operation of any type of public transport service (by affected operators), for the period stated in the notice;
- 4.2. To suspend any operating license or permit authorizing 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; (section 79 NLTA 5/2009)
- 4.3. 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 license or permit that has been suspended; and
- 4.4. To allow other operators, who need not be the holders of operating licenses/permits for the affected routes/areas currently, to come in and provide the services in the interim period until the situation returns to normal.
- 4.5. Please note that these actions will be implemented in phases at my judgment after consultation with other government departments and affected stakeholders.

5. 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 stabilize the situation and to avert further tension, it is my intention to resolve the conflict within the stipulated period of six (6) months reviewable in three (3) months; the regulations will prevail for a further period of three (3) months .
6. The provision of public transport services in contravention of extra ordinary measures in declared areas by illegal operators constitutes an offence, Vehicles will also be impounded if the terms and conditions of the regulations are breached and:
 - 6.1. An administration fee in the sum of R5000 not exceeding 6 months, may be imposed for first offenders,
 - 6.2. An administration fee in the sum of R10 000 not exceeding 12 months, may be imposed for Second offenders,
 - 6.3. A third time offending operator also runs the risk of having his or her operating license and permit withdrawn using the provisions of section 79 of the NLTA 5 of 2009
 - 6.4. All impounded vehicles shall be parked at the temporary pounds that have been established at the various Traffic Stations and other authorized premises as clearly set out hereunder;
 - 6.4.1 Montshioa Provincial Traffic Station
 - 6.4.2 Eastley Traffic Station
 - 6.4.3 Klerksdorp Traffic Station
 - 6.4.4 Potchefstroom DLTC
 - 6.4.5 Rustenburg Municipality pound
 - 6.4.6 Rustenburg Traffic Station
 - 6.4.7 Mogwase Traffic Station
 - 6.4.8 Madibeng Municipality pound
 - 6.4.9 Koster Provincial Traffic Station
 - 6.4.10 Taung Provincial Traffic Station
 - 6.4.11 Brits Provincial Traffic Station

7. Please note that 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 licenses/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 licenses will be issued for this purpose using the provision of section 91(6) read together with section 60 of the NLTA 5 of 2009.
8. Comments /Representations by interested or affected parties are to be made in writing on/or before Monday 6th March 2023. All persons who have an interest in the matter or who are affected by such regulations may make written representations to the Department before the date indicated above. Representations may be submitted to the Department of Community Safety and Transport Management, 2nd Floor, Tirelo Building, Dr Albert Luthuli Drive, Mafikeng, 2745. Tel (018) 200 8077



MEC J.S. Lehari
Department of Community Safety & Transport Management
27th February 2023



SIGN & D