

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT NOTICE 283 OF 2020



Ministry of Transport and Public Works

INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA

1. Background and purpose of regulations

- 1.1 The Delft residential area borders Khayelitsha and was officially opened in 1989. Delft is regarded as one of the fastest growing residential areas in the Cape metropolitan area given several new formal and informal housing developments. Given the exponential increase in population, minibus-taxis continue to respond to the demand for services. This has resulted in fierce competition for passengers, route invasions and violent conflict.
- 1.2 Several conflicts in the Delft area have been reported in the past five years. This includes, inter-alia, conflict between associations over control of the Delft- Epping route, the introduction of the unregistered Delft Unity Taxi Association, conflict on the Delft – Claremont / Wynberg routes, etc.
- 1.3 Several lives have also been lost in on-going violent conflict between Delft – Cape Town Taxi Association (affiliated to CODETA) ("DTA") and the CATA-affiliated Seawater Taxi Association ("Seawater"). The conflict started in 2006 when members of the Nyanga-based Seawater association were issued with operating licences to provide minibus-taxi type services between Delft South and Cape Town. Seawater members were authorised by the then Tygerberg Municipal Local Council to operate from the Suburban Bliss Taxi Rank in Delft South. The issuance of these operating licences to members of Seawater followed the relocation of Langa and Nyanga residents to the southern part of Delft.
- 1.4 At the time, DTA members already held operating licences to provide taxi services between Delft and Cape Town. Their operating licences conferred authority to rank in Mango Street, Delft South. These two associations were expected to co-exist and to respect operating rights. This unfortunately did not happen and the conflict escalated when the two associations agreed to jointly operate out of lane 13 at the

Cape Town Station Deck facility. A similar agreement was reached in respect of the Suburban Bliss Taxi Rank.

- 1.5 Both associations actively recruited illegal operators to gain ascendancy and this resulted in aggressive touting / solicitation for passengers as well as a reduction in profitability and vehicle standards. The Office of the Registrar received several reports indicating violations of the Code of Conduct and Standard Constitution for minibus-taxi operators, contraventions of operating licence conditions and other legal prescripts and a general disregard for the rule of law by members of the mentioned associations.
- 1.6 An official inquiry was conducted by independent assessors to investigate the underlying reasons for the conflict and instability and recommendations were made to the Registrar. Based on these recommendations, an agreement was reached and commitments made by both parties to operate in peace and within the law. However, It did not take long for the associations to renege on those commitments made. Following the redevelopment of the Cape Station Deck Taxi Facility by the City of Cape Town, the two associations were allocated separate loading lanes.
- 1.7 This intervention did not have the desired effect and the recurring conflict has claimed the lives of operators, drivers and passengers using the service. Most of the conflict has taken place at the Suburban Bliss Taxi Rank in Delft South. In the latest incident that took place on 13 May 2020 in the Delft area, one operator was murdered and five others seriously injured. We have also received reports of altercations between members of the two associations at Cape Town Station Deck. There are also unconfirmed reports of planned retaliation attacks.
- 1.8 The Office of the Registrar in partnership with the City of Cape Town has invested a significant amount of time, energy and funding into mediation efforts. This has only resulted in transient periods of peace and stability. It is our view that the situation on this route has deteriorated to such an extent that the safety of passengers using the service, residents and other persons entering the area can no longer be guaranteed.

2. Proposed Action/Regulations

- 2.1 As the Minister responsible 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 have decided to

declare the **Delft** area as high-risk in respect of taxi violence. I am hereby giving notice of my intention to take one or more or all of the actions listed below:

2.1.1 To close the following taxi ranks in the Delft area for any type of minibus-taxi service for the period stated in the notice;

Rank name	Physical address	Status
Roosendal minibus-taxi rank	Off Delft Main Road & The Hague Avenue	Official
Voorbrug minibus-taxi rank	Corner of Delft Main Road & Voorbrug Road	Official
Eindhoven minibus-taxi rank	Corner of Delft Main Road and Eindhoven Road	Official
Suburban Bliss minibus-taxi rank ("Die Blad")	Corner of Delft Main Road and Sandalwood Road	Official
1 st Mango Rank	Off Delft Main Road and Tamarisk Street	Official
Leiden minibus-taxi rank	Corner of Delft Main Road and Leiden Road	Unofficial
The Hague minibus-taxi rank	Off The Hague Main Road	Unofficial
SAPS minibus-taxi rank	Off Delft Main Road (opposite SAPS)	Unofficial
2 nd Mango minibus-taxi rank	Off Delft Main Road	Unofficial
Mango – Nyanga minibus-taxi rank	Corner of Delft Main Road and Symphony Road	Unofficial
Blikkiesdorp minibus-taxi rank	Off Symphony Road	Unofficial

2.1.2 To close the following routes to and from Delft for any form of minibus-taxi operations. Please note that it is my view that the violence may spread to other routes in the Delft residential area. I reserve the right to close other routes at a later stage depending on the situation on the ground and reports received from stakeholders;

Route no.	Route name	Association
125	Voorbrug Delft - Cape Town	Delft Cape Town Taxi Association
134	The Hague Delft - Cape Town	Delft Cape Town Taxi Association

Route no.	Route name	Association
50	Eindhoven Delft - Cape Town	Delft Cape Town Taxi Association
E36	Delft South - Cape Town	Delft Cape Town Taxi Association
O14	Leiden Delft - Cape Town	Delft Cape Town Taxi Association
K76	Suburban Bliss – Killarney	CATA Seawater Taxi Association
L68	Suburban Bliss – Athlone	CATA Seawater Taxi Association
L69	Suburban Bliss – Mowbray	CATA Seawater Taxi Association
L70	Suburban Bliss - Cape Town	CATA Seawater Taxi Association
L71	Suburban Bliss - Cape Town	CATA Seawater Taxi Association
L72	Suburban Bliss - Sea Point	CATA Seawater Taxi Association

- 2.1.3 To suspend all operating licences and permits authorising minibus-taxi type services on the closed routes in the declared area for the relevant period;
- 2.1.4 To instruct that no person may undertake any minibus-taxi type services on the closed routes or from the closed ranks;
- 2.1.5 To close loading lanes B13 and A10 at the Cape Town Station Deck Minibus-taxi Facility allocated to DTA and Seawater respectively; and
- 2.1.6 To allow other operators, who need not be the holders of operating licences/permits for the affected routes/area 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.

- 2.2 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. I reserve the right to close other affected ranks and routes depending on the progress made by departmental officials, advice received from other stakeholders/government departments and the situation on the ground.

- 2.3 I will inform the South African Police Services, the National Prosecuting Authority and the Planning Authority of my intention to declare Delft a high-risk area in respect of taxi violence and to close the mentioned routes and ranks in the area for operation of minibus-taxi type services. All law enforcement agencies as well as and form part of the Provincial Joints Committee. This will afford these key stakeholders sufficient time to develop a contingency plan to deal with a possible contravention of these regulations, a disruption in travel patterns and the provision of alternate transport.
- 2.4 If there are any further occurrences of violence, I will have no option but to close the mentioned routes/rank for a period of two months. Before the rank/routes are closed, I will publish a final notice in the government gazette. This will allow my Department sufficient time to assess the situation and to develop interceding measures. If peace and stability in the area is restored before the end of the two-month period, I will review my decision. Should my Department be unable to resolve the conflict within the stipulated period, the regulations will prevail for a further two-month period.
- 2.5 Where the rank/routes are closed, all affected permits/operating licences for the routes mentioned in paragraph 2.1.2) will be suspended for the same period (mentioned in paragraph 2.4). The provision of public transport services on the closed routes or from the closed ranks by current operators constitute an offence and a fine of R5000 or a term of imprisonment, not exceeding 6 months, may 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.
- 2.6 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/area 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.
- 2.7 I will further request the Provincial Taxi Registrar to conduct an inquiry in terms of section 7(A)(20) of the Road Transportation Act (Act no.74 of 1977), as amended by the Western Cape Road Transportation Act, Amendment Law (Act no.8 of 1996) to investigate possible violations of the Code of Conduct and Standard Constitution for minibus-taxi operators and associations.

3. Comments/Representations by interested or affected parties

3.1 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 in 3.2 below and may also request reasons for the proposed regulations.

3.1 Representations may be submitted to the Department of Transport and Public Works, 8th Floor, Dorp Street, Cape Town on or before **22 May 2020**

A handwritten signature in black ink, appearing to be 'Bonginkosi Madikizela', with a large, stylized flourish extending to the right.

Bonginkosi Madikizela

MINISTER OF TRANSPORT AND PUBLIC WORKS

Date: 17th May 2020