



**The Chairperson
Two Oceans Regional Taxi Council**

Attention: Mr M Adams

**RESPONSE TO MEMORANDUM OF DEMANDS
SERVICE DELIVERY AND ECONOMIC TRANSFORMATION**

1. The Department of Transport and Public Works acknowledges receipt of your memorandum of demands dated 24 June 2014. The memorandum was delivered to the Ministry of Transport and Public Works, the Office of the Provincial Transport Registrar and the City of Cape Town. It is apposite to note that the Office of the Provincial Transport Registrar forms part of the Department of Transport and Public Works and a consolidated response will be provided by the Department. The City of Cape Town will respond to matters that fall within its purview as Planning Authority.
2. It is worth noting that officials from the Office of the Registrar met with a delegation from the Two Oceans Regional Taxi Council on the day the memorandum was delivered. A second meeting took place with the same delegation on 25 June 2014 at the Vangate Public Transport Service Centre. The purpose of this engagement was to afford the Two Oceans Regional Taxi Council an opportunity to make representations to the Office of the Registrar in respect of regulatory matters contained in the memorandum. It was agreed that many of the issues contained in the memorandum of demands have been conflated and the meeting was therefore used to study the memorandum of demands carefully with the aim of directing concerns to the relevant government department. The ensuing discussion therefore touched on the roles and responsibilities of the various local and provincial government departments insofar as the memorandum of demands is concerned. The meeting concluded that a further engagement with all the relevant stakeholders is required to effectively deal with the concerns/demands of the Two Oceans Regional Taxi Council. This meeting will be arranged by the Department of Transport and Public Works and an invitation will be extended to the following:
 - City of Cape Town – Public Transport Regulation
 - City of Cape Town – Public Transport Operations
 - City of Cape Town – Public Transport Facility Management

- City of Cape Town – IRT/Contracts Directorate
 - City of Cape Town – Safety and Security
 - Western Cape Government – Department of Economic Development and Tourism
 - Western Cape Government – Department of Community Safety
 - South African Police Services (SAPS)
 - Department of Justice
3. Notwithstanding the above, the Department will endeavour to respond seriatim to the issues raised in the memorandum. It is worth noting that the memorandum submitted by the Two Oceans Regional Taxi Council is not dissimilar to the memorandum delivered by Retreat Taxi Association (RTA) on 24 May 2014 under the rubric 'Service Delivery' (a copy of which is attached as Annexure A). Many of the issues raised in the RTA memorandum have been included verbatim in the current memorandum. RTA is affiliated to the Two Oceans Regional Taxi Council and it is apparent that the regional council is in support of the views expressed by RTA. The Department of Transport and Public Works provided a comprehensive response to the RTA memorandum and many of the issues raised in the current memorandum have therefore been dealt with.
 4. It is the Department's considered view that the joint enforcement operations have tempered the situation in the Vrygrond area. Occurrences of violence in the areas affected by this dispute have dramatically decreased after the increased presence of SAPS and Metro Police in the area. Since operations began, a total of three illegal firearms have been confiscated and seven taxi drivers have been arrested for driving while intoxicated. Furthermore, City of Cape Town Traffic Services have impounded 50 taxis in terms of section 87 of the National Land Transport Act (Act No. 5 of 2009) (NLTA) for operating without a valid operating licence or for operating contrary to the terms and conditions of the operating licence. A number of fines have also been issued in terms of the National Road Traffic Act (Act No. 93 of 1996) (NRTA) and the NLTA.
 5. A number of murder and attempted murder cases relating to this dispute have been reported to the South African Police Services and it would be reckless of the Department to venture an opinion at this stage whilst the cases are still *subjudice*. The actions of the Provincial Regulatory Entity insofar as the suspension or deregistration of members and the cancellation of operating licences are concerned will be contingent on the outcome of these criminal investigations. Information regarding these criminal matters must be obtained from the South African Police Services.
 6. Law enforcement units are required to enforce the law across the board and without fear or favour. These enforcement operations are not only limited to operating licence infractions but focus inter-alia on moving violations and the roadworthiness of vehicles. All vehicles entering a particular area will be stopped and fines will be issued in the event of non-compliance with any of the relevant legal prescripts. All operators have to rigidly adhere to the provisions of the NLTA, NRTA and other related legal prescripts

and compliance with the law is non-negotiable. Where vehicles are found not to be in a roadworthy state or drivers are guilty of moving violations, the law will be enforced. The Department wishes, therefore, to refute the statement made in the memorandum that legal minibus-taxi operators are penalised by the process used to identify illegal operations. Where vehicles are erroneously impounded and a concrete portfolio of evidence can be presented, the matter will be thoroughly investigated by the relevant department. The Association or the Regional Taxi Council may also engage law enforcement officials in respect of areas where illegal operations are concentrated.

7. Your statement that operating licences are being entertained whilst illegal operators are already proceeding on routes allocated to other associations is not factual. The Provincial Regulatory Entity (PRE) and the Office of the Registrar has aligned all its decisions to the Integrated Transport Plan (ITP) for the respective municipal area. New members are only registered where the municipality indicates the need for a particular service in terms of its ITP. Similarly, operating licences will not be issued where the public transport requirements on a particular route are already adequately serviced by other public transport services of a similar nature, standard and quality. The PRE is bound by the provisions of ITP's and may not grant an operating licence contrary to the ITP for an area and the directions provided by the municipality in respect of the application. It is widely reported that 70% of the minibus-taxi routes in the City of Cape Town area are significantly overtraded and the Department is cognisant of this. You would have noticed that the PRE has taken a very conservative approach to the issuance of minibus-taxi licences and such licences are no longer issued for overtraded routes. The PRE has made a concerted effort to better regulate public transport market entry. This is in line with the Provincial Strategic Objective to increase access to safe and reliable transport.

8. The South African National Taxi Council is an autonomous organisation operating in terms of its own constitution. SANTACO is the only representative taxi organisation recognised by the National Department of Transport. The Western Cape Provincial Taxi Council is affiliated to SANTACO. The Department must indicate that it cannot get involved in the internal operations of SANTACO and we merely provide logistical and financial support to implement a number of predetermined projects. One of these projects is to assist the Department with conflict resolution. The Western Cape Branch of SANTACO has intervened in a number of conflict situations, most notably the conflict in Grabouw, Delft and Bellville. These joint interventions have assisted the Department to stabilise the aforementioned areas and to create a platform for disputing groups to engage and reach agreement. The Department has also engaged SANTACO on the Vrygrond situation and met with the CODETA region on 25 June 2014 to discuss the on-going conflict in the Vrygrond area. The CODETA Region has agreed to meet with Vrygrond Taxi Association (VTA) and to provide feedback to the Department by no later than 11 July 2014. For the record, VTA is affiliated to the CODETA Regional Taxi Council. The SANTACO leadership is further representative of most of the Regional Taxi Councils.

9. The statement made under bullet 6 (Findings of Two Oceans Council) is in our view mendacious. The Department of Transport and Public Works has provided a comprehensive response to the RTA memorandum. Unfortunately, the Department could only respond to matters that fall within the purview of its mandate. The next bullet is equally misleading. As mentioned before, there have been a number of joint operations in Vrygrond and surrounding areas which has yielded significant results. Operating licence-related enforcement is led by Provincial Traffic, City Traffic and Metro Police. The core responsibility of SAPS is to deal with issues of criminality and to protect citizens from those who wilfully break the law.
10. The effective regulation and transformation of the industry is indeed a priority for government. Given the significant overtrading, the PRE has adopted a very conservative approach to the issuance of new licences in an attempt to create a more equitable balance between supply and demand. Over the last couple of years the Department has managed to keep the number of legal minibus-taxis in the province relatively stable whilst the demand for services have increased with new commercial and residential developments. A concerted effort has also been made by the City to conduct public transport impact assessments for such new developments. The Department in partnership with municipalities has also endeavoured to integrate public transport services in various areas and to transform the taxi industry through Integrated Rapid Transit and Integrated Public Transport Networks and other skills development initiatives.
11. For the record, this Department strongly condemns route invasions and illegal operations, given that this compromises commuter safety and reduces the economic viability of legal operators. The number of impoundment facilities in the province has been increased and a Standard Operating Procedures Manual for Impoundments has been developed to ensure consistent decision-making and uniformity throughout the province. Similarly, the impoundment fees for operating illegally have been increased. The Department is also in the process of increasing the capacity of the Public Transport Inspectorate to intensify operating licence enforcement. Regular joint operations are being held in conflict-ridden areas.
12. In respect of the concerns raised by the Mitchells Plain Taxi Forum we have to point out that many of these issues viz. rank management and IRT falls within the domain of the City of Cape Town. The Department is aware of the tension between CATA operators and operators affiliated to the Mitchells Plain Region in respect of minibus-taxi operations in The Leagues, Heinz Park, Eisleben Drive, Samora Machell and London Village. The Department has mediated in the dispute between Plain – Park Taxi Association and CATA Nyanga Mitchells Plain Taxi Association and agreement was reached around operations on Eisleben Drive and Landsdowne Road. Both Associations agreed to adhere to the agreement. The matter will again be remitted to the Mediation Unit to investigate possible infractions of this operating agreement.

Two Oceans Regional Taxi Council Demands

1. Deregistration of Vrygrond Taxi Association

- A. The Office of the Registrar is required to follow due process to suspend or de-register an association or member. Both parties must be given an opportunity to state their views in person and the veracity of any averments must be tested by the Office of the Registrar at an official inquiry. No association or region can demand that another association be suspended or de-registered and legal prescripts must be rigidly followed by the Office of the Registrar. The Office of the Registrar must continuously monitor the compliance or non-compliance of registered associations with the Code of Conduct and Standard Constitution. VTA is a registered association and the Office of the Registrar is duty bound to engage with all registered associations and to provide as much guidance and support to these associations to remain compliant with the Code of Conduct and Standard Constitution.
- B. In terms of the Western Cape Road Transportation Act, Amendment Law (Act No. 8 of 1996), it is incumbent upon the Office of Registrar to continuously monitor and receive information in respect of the compliance and non-compliance of associations and their members with the provisions of the Standard Constitution, Code of Conduct and other related legal prescripts. The Registrar may, on receipt of a complaint, accusation or allegation or on the ground of information which has come to his or her notice and which may point to the failure of an association or non-member to comply with the rules set out in the Standard Constitution and Code of Conduct, conduct an inquiry (section 20 of the Act).
- C. Any registered association or registered non-member found, in terms of such inquiry, to have failed to comply with the rules set out in the Standard Constitution and Code of Conduct, for reasons within the control of the association or non-member, the Registrar may send a written notification to such association or non-member directing that the Standard Constitution and Code of Conduct be complied with and setting out the steps to be followed within a stated period, and, if such notification is not complied with, a warning to comply within a stated period (Section 7(a)(21) of the Act).
- D. If the notice referred to in the preceding paragraph is not complied with, the Registrar shall supply the association or member with reasonable assistance to comply therewith, and still failing such compliance may-
- impose a fine not exceeding the amount prescribed, or
 - send a written order signed by him or her of temporary suspension of the certificate of registration; or

- send a written order signed by him or her withdrawing the certificate of registration (section 7(a)(22) of the Act).
- E. The Office of the Provincial Transport Registrar has received information from a number of parties indicating that Vrygrond Taxi Association is preventing legal operators from entering the Vrygrond area and from exercising their legal rights. Reports have also been received that Vrygrond Taxi Association members have illegally and forcefully invaded the route from Vrygrond to Retreat Station. This type of action is a gross violation of the Code of Conduct, in particular section 1.1(a), 1.1(g), 1.3(a), 1.3(g) as well as section 50 of the National Land Transport Act (Act No. 5 of 2009).
- F. An official inquiry was conducted during June 2013 by the Office of the Provincial Transport Registrar at the Vangate Public Transport Service Centre. Vrygrond Taxi Association was found guilty of violating the Code of Conduct and a written notice was issued to the association to comply with the Code of Conduct and other legal prescripts. This tempered the situation temporarily but did not bring a permanent end to the on-going tensions.
- G. Similar violations were reported to the Office of the Registrar during the early part of 2014. The Office of the Registrar immediately intervened and a series of meetings took place with the affected association and the CODETA Region. Vrygrond Taxi Association was cautioned not to interfere with the legal operations of members of Retreat and Steenberg Taxi Associations. VTA were also asked to allow members of Retreat and Steenberg to enter the Vrygrond area free of intimidation to exercise their legal rights. Unfortunately, no corrective action was taken by VTA. This necessitated a second official inquiry into the matter.
- H. The second inquiry took place on 10 and 11 April 2014 at the Vangate Shared Service Centre. The Panel of Assessors in the Office of the Registrar also had to engage other stakeholders before the investigation could be concluded. In terms of government protocol, investigations in respect of taxi conflict/violence and associated sanctions must also be discussed at the Intergovernmental Minibus-taxi Advisory Committee and the Provincial Joints Committee (chaired by SAPS) before implementation. A decision has been taken to suspend VTA for a period of three months. This is an administrative suspension and no member of VTA is allowed to apply for the granting, renewal, amendment or transfer of an operating licence during the period of suspension. A number of suspension conditions have been imposed by the Office of the Registrar, one of which is for VTA to refrain from interfering with the operations of members of RTA and not to forcefully invade existing routes. Violation of the suspension conditions will result in more drastic action being taken.

1. The Department has established an Intergovernmental Task team to monitor the situation in the Vrygrond area. VTA was suspended on 20 May 2014 for a period of three months and has to comply with the suspension conditions. The three-month period will end on 20 August 2014 and the Inter-governmental Minibus-taxi Advisory Committee will meet immediately thereafter to review the suspension and to decide on the way forward. This decision cannot be pre-empted and your indulgence in this regard is requested.
2. This matter will be remitted to SAPS and the Law Enforcement Units for response;
3. This matter will be remitted to the Department of the Premier;
4. This matter will be discussed with the City of Cape Town and a response will be forwarded at the earliest possible convenience. It is worth noting that the Department has conducted comprehensive information sessions on the NLTA with affiliated regions of SANTACO;
5. This matter will be remitted to the Department of Economic Development and Tourism for response;
6. This is the constitutional right of every citizen;
7. This matter will be remitted to SAPS and Law Enforcement Units for response.



JACQUELINE GOOCH
HEAD OF DEPARTMENT

Date: 30-06-2014