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GENERAL NOTICES • ALGEMENE KENNISGEWINGS

DEPARTMENT OF TRANSPORT NOTICE 279 OF 2019



Western Cape
Government

MINISTRY OF TRANSPORT AND PUBLIC WORKS

8th Floor, 9 Dorp Street, Cape Town, 8001
P.O.Box 2603, Cape Town, 8000
Tel: +27214832200
Fax: +27214832217

www.westerncape.gov.za

INTENTION TO INSTITUTE EXTRAORDINARY MEASURES IN A DECLARED AREA

1. Background and purpose of regulations

1.1 During 2006, the Department of Transport and Public Works in partnership with the George Municipality started initial engagements with the public transport industry in George around the development and implementation of a George Integrated Public Transport Network (GIPTN) (then known as the George Mobility Strategy).

1.2 Since then, the Western Cape Government has been working closely with the National Department of Transport, the George Municipality, the George public transport operators as well as the people of George to deliver a public transport system that will see George transformed. This project has been years in the making. It is South Africa's first non-metro integrated public transport system and has been adopted as the pilot project for the future roll-out of other IPTN's outside of large cities.

1.3 Following extensive consultation with public transport operators, other affected stakeholders and the George community, the necessary infrastructure was developed and a Vehicle Operating Company (George Link Pty Ltd) was established to enter into a negotiated contract with government to provide scheduled public transport services within the George municipal boundaries. As part of the implementation of the GIPTN, minibus-taxi operators agreed to relinquish all minibus-taxi type operating licences authorising services within the George municipal boundaries. As per the agreement between George Municipality and affected Taxi Associations, operators would be compensated accordingly once this process had been completed. It should be noted that negotiations were protracted and difficult. On 25 May 2014 the chief negotiator for the minibus-taxi industry, Mr Tom Queba, was assassinated.

1.4 Phase 1 of the project was eventually rolled out in December 2014. This was followed by phase 2 in March 2015 and phase 3 in May 2015. The service has been

welcomed by the people of George. The Go George service offers commuters affordable, scheduled, safe and reliable services contributing to improved quality of life and much better access to opportunities. However, certain factions within the taxi industry expressed unhappiness with the negotiation process claiming that no data collection and analysis has been done as part of the design of the system, no investigations has been conducted to establish training needs and an empowerment programme and that proper consultation has not taken place with all affected stakeholders. These reports were clearly mendacious.

- 1.5 Phase 4 of the project was due to be implemented in September 2015. However, a memorandum of demands was delivered to the George Municipality on 27 July 2015. As per the memorandum, the taxi industry threatened to embark on non-stop strike action until the George Municipality re-opens the negotiation process. It was stated that the intention of the strike was to make George ungovernable. On 19 August 2015, five Go George buses were set alight, important roads were barricaded and CCTV cameras and police vehicles damaged by angry taxi drivers and operators. These incidents formed part of violent protest actions by the taxi industry.
- 1.6 Following the violent incidents in 2015, government continued to operate in good faith and all affected stakeholders were consulted. Most of the operators belonging to George Taxi Owners Front and George Taxi Association have relinquished their operating licences for cancellation or amendment and have been compensated by the George Municipality. However, members of UNCEDO George Taxi Association have not complied with the agreements signed with government.
- 1.7 Since August 2015, 18 protests / marches have been held in resistance to the Go George project. Following further consultation, it was agreed that Phase 4A would be implemented in the Thembalethu area in December 2016. On 3 November 2016 the chairperson of UNCEDO George Taxi Association, Mr Wesley Sikhumbuso Mini, was assassinated. UNCEDO George Taxi Association requested government to stop the roll-out. A number of demands were made, including but not limited to, the reopening of negotiations, unhappiness with the compensation amount, the lifting of the moratorium on new minibus-taxi operating licence applications and allowing taxi operators to operate in competition with the Go George Service. During the early part of 2017, the National Minister of Transport appointed a mediator to facilitate discussions between the taxi industry and government. The mediation report was released in March 2017 and concluded that the process between government and the taxi industry was administratively fair.

- 1.8 In February 2019, a community meeting in Thembalethu to discuss the roll-out of phase 4 was violently interrupted. This was followed by a protest march by the Thembalethu Community Forum on 14 March 2019. On 19 April 2019 the vehicle of a George Link employee (and taxi operator) was petrol-bombed. Routes served by the Go George bus service have been flooded with illegal operators. This has resulted in touting for passengers by illegal operators, intimidation of passengers and ultimately destructive competition with the subsidised Go George bus service. Operators supporting the roll-out of the Go George bus service have also been intimidated and several complaints have been received by the Department and George Municipality. There is also a risk of taxi on bus violence. On 25 April 2019, the National Minister announced that the roll-out of phase 4B scheduled for 28 April 2019 will be postponed until the 1st week in June 2019.
- 1.9 On 15 May 2019 there was once again violent reaction on the part of UNCEDO George Taxi Association operators and drivers to the impoundment of illegal taxis in the George area. Two municipal traffic vehicles were set alight as part of the protest action. In addition, the private vehicle of a George Link employee was set alight and the private vehicle of a municipal traffic official was petrol-bombed by the protesters. These actions are simply not acceptable and could have resulted in the loss of lives. My department and I take seriously the threats of further violence, increasing illegal operations and threats to block the N2.
- 1.10 After carefully analysing the situation it is my considered view that the safety of passengers, operators, drivers and people entering the area is compromised by the protest action. The loss of lives and wilful damage to property should be averted and it is the intention of the Department to act decisively and to take action against offending operators.

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 George Municipality) I have decided to declare the area mentioned in paragraph 2 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:

- To close all routes served by the Go George Bus service for minibus-taxi type operations;

- 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. This includes routes to and from Tembalethu;
- To suspend any operating licence or permit authorising 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;
- 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 licence or permit that has been suspended; and
- To allow other operators, who need not be the holders of operating licences/permits for the affected routes/areas 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 discretion after consultation with other government departments and affected stakeholders.

2.2 This untenable situation is compromising peace and stability within the public transport industry and could result in further incidents of violence and could escalate into the loss of human lives. This should be avoided at all cost. To stabilise the situation and to avert tension between public transport operators, it is my intention to close the minibus-taxi rank in Tembalethu and the George CBD for a period as set out herein. Although not all the routes from the George CBD Taxi Facility are affected by the violence, it is considered prudent to close the entire rank to avoid further tension between operators and taxi on bus violence. No minibus-taxi operations will be allowed in these areas. I do however reserve the right to only close certain of the routes in this area or certain of the loading lanes at the rank depending on the progress made by departmental officials, advice received from other stakeholders/government departments and the situation on the ground.

2.3 The following network of routes will also be closed for minibus-taxi operations:

Ref	Route Origin - Destination	Association
721	George - Kleinkrantz	George Taxi Association
736	GEORGE - DIEPRIVIER Geleë TE GEORGE	George Taxi Association
752	Tembalethu - George	Uncedo George Taxi Association
753	George - Lancewood	George Taxi Owners Front / George Taxi Association
759	Uniondale – George	George Taxi Association
840	George - Tembalethu	Uncedo George Taxi Association / George Taxi Association

Ref	Route Origin - Destination	Association
860	George - Protea Park George	George Taxi Owners Front / George Taxi Association
865	George - Parkdene George	George Taxi Owners Front / George Taxi Association
880	Thembaletu - George	Uncedo George Taxi Association
882	Rosemore - George	George Taxi Owners Front / George Taxi Association
883	Rosemore - George	George Taxi Owners Front / George Taxi Association
884	Rosemore - George	George Taxi Owners Front / George Taxi Association
885	Borchards - George	George Taxi Owners Front / George Taxi Association
886	Borchards - George	George Taxi Owners Front / George Taxi Association
887	Borchards - George	George Taxi Owners Front / George Taxi Association
888	Parkdene - George	George Taxi Owners Front / George Taxi Association
889	Conville - George	George Taxi Owners Front / George Taxi Association
890	Blanco - George	George Taxi Owners Front
891	Blanco - George	George Taxi Owners Front
892	Pacaltsdorp - George	George Taxi Owners Front / George Taxi Association
893	Pacaltsdorp - George	George Taxi Owners Front / George Taxi Association
909	George - Pacaltsdorp	George Taxi Owners Front / George Taxi Association
910	George - Thembaletu	Uncedo George Taxi Association / George Taxi Association
914	George - Pacaltsdorp	George Taxi Owners Front / George Taxi Association
915	George - Pacaltsdorp	George Taxi Owners Front / George Taxi Association
948	Protea Park George - George	George Taxi Association
971	Thembaletu - George	Uncedo George Taxi Association
980	Smutsville Sedgefield - George	Uncedo George Taxi Association
D99	New Dawn Park Pacaltsdorp - George	George Taxi Owners Front / George Taxi Association
E44	Uniondale - Uniondale	George Taxi Association
E58	George - New Dawn Park Pacaltsdorp	George Taxi Owners Front
F30	George - Glentana	George Taxi Association
H79	Sedgefield - Sedgefield	Uncedo George Taxi Association / George Taxi Association
I26	Parkdene - George	George Taxi Association

Ref	Route Origin - Destination	Association
I88	George – Oudtshoorn	George Taxi Owners Front / George Taxi Association / Uncedo
I89	George – Mosselbaai	George Taxi Owners Front / George Taxi Association / Uncedo
I90	George – Beaufort Wes	George Taxi Owners Front / George Taxi Association / Uncedo
I91	George – Ladismith	George Taxi Association / Uncedo
J17	Sedgefield – George	George Taxi Association / Uncedo
J18	Sedgefield – Knysna	George Taxi Association / Uncedo
J19	George - Waboomskraal	George Taxi Owners Front / George Taxi Association
J20	George - Herold	George Taxi Owners Front / George Taxi Association / Uncedo
J67	George – Hoekwil	George Taxi Owners Front
J68	George – New Dawn Park	George Taxi Owners Front
J69	George – New Dawn Park	George Taxi Owners Front
J72	Pacaltsdorp George - Pick 'N Pay Sentrum (George)	George Taxi Association
J73	Pacaltsdorp (Gwaing) - George	George Taxi Association
J74	Groeneweide - George	George Taxi Association
K18	Heroldsbaai - George	George Taxi Association
L91	Thembalethu - George	Uncedo George Taxi Association
M2	George – Queenstown	Uncedo George Taxi Association
M3	George – Port Elizabeth	Uncedo George Taxi Association
M4	George – Graaff Reinett	Uncedo George Taxi Association
M5	George – Whittlesea	Uncedo George Taxi Association
M62	George – Plettenberg Bay	George Taxi Owners Front / George Taxi Association
M92	Slangrivier - Heidelberg	George Taxi Association
M93	Slangrivier - Witsand	George Taxi Association
N16	Uniondale – Plettenbergbaai	George Taxi Association
N17	Uniondale – Mosselbaai	George Taxi Association
N18	Uniondale – Oudtshoorn	George Taxi Association
N19	Uniondale – Ladismith	George Taxi Association
N44	Thembalethu - Oubaai Golf Club	Uncedo George Taxi Association
N45	Thembalethu - Blanco	Uncedo George Taxi Association
N58	George - Bellville	Uncedo George Taxi Association

Ref	Route Origin - Destination	Association
N61	George – Umtata	Uncedo George Taxi Association
N62	George – Umqanduli	Uncedo George Taxi Association
N64	George – Worcester	Uncedo George Taxi Association
N7	George - Wilderness	Uncedo George Taxi Association
O66	George To Bellville	UNCEDO George Taxi Association
O67	Smutsville – Sedgefield	Uncedo George Taxi Association
O68	Smutsville - Sedgefield George	Uncedo George Taxi Association
P3	Thembaletu - Elliotdale	Uncedo George Taxi Association
P4	Thembaletu - East London	Uncedo George Taxi Association
P47	Rosemoor - Garden Route Mall	George Taxi Association
P5	Thembaletu - Lady Frere	Uncedo George Taxi Association
P93	Thembaletu - Garden Route Mall	Uncedo George Taxi Association

- 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, the routes/ranks will be re-opened and the suspension imposed on the associations and operating licences/permits will be lifted. 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 2.3) will be suspended for the same period (mentioned in paragraph 2.4). The provision of public transport services on the closed routes or in declared areas by current operators constitutes an offence and a fine of R20 000 or 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/areas 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.

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.
- 3.2 Representations may be submitted to the Department of Transport and Public Works, 7th Floor, Dorp Street, Cape Town on or before the **22 May 2019**.



DAC GRANT MPL
Minister of Transport and Public Works
Date: 16 MAY 2019

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