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GOVERNMENT NOTICES • GOEWERMENTSKENNISGEWINGS

DEPARTMENT OF TRANSPORT

NO. 1683

18 January 2022



dcstm

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



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OFFICE OF THE MEC

DEPARTMENT OF COMMUNITY SAFETY AND TRANSPORT MANAGEMENT

DECLARATION OF EXTRA-ORDINARY EMERGENCY MEASURES TO CURB ACTS OF VIOLENCE, UNREST, ACTS OF INTIMIDATION OR INSTABILITY IN THE TAXI INDUSTRY IN THE AREAS OF NGAKA MODIRI MOLEMA DISTRICT MUNICIPALITY (RAMOTSHERE MOILOA LOCAL MUNICIPALITY) IN TERMS OF SECTION 91(3) OF THE NATIONAL LAND TRANSPORT ACT, ACT NO. 5 OF 2009.

I Sello Jonas Lehari, Member of the Executive Council for **Department of Community Safety and Transport Management** in the North West Province, in terms of **Section 91(3)(a),(b),(c),(d) and (e) of the National Land Transport Act of 2009**, hereby intend to declare Extra-Ordinary Measures in terms of **Section 91(2)** in the areas of Ngaka Modiri Molema District Municipality (Ramotshere Moiloa Local Municipality to which the provision of the said Section 91(2) shall apply to regulate, manage and control Minibus/Midibus taxi type services in the following Routes and Taxi ranks:

From Borakalalo, Lobatla, Motswedi and Gopaane villages to Zeerust and back From Zeerust taxi rank to Borakalalo, Lobatla, Motswedi and Gopane villages .

The matter in Gopane routes dates as far back as first half of 2020 before the Covid outbreak. Some members of Borakalalo, Lobatla and Motswedi formed as a splinter group and wanted out of the Gopane routes. The Members of Executive Council (EXCO) of KOBATA- Kopanang Bahurutshe Taxi Association took steps to intervene to solve the problem before requesting the Department to intervene as they thought was an internal matter. The following steps were taken by the EXCO.



"Together we move North West Province Forward"

The matter was referred by EXCO to the disciplinary committee of KOBATA, but the disciplinary committee could not reach a decision on the matter and it referred back to the Exco of KOBATA.

The matter was then referred to Provincial Regulatory Entity (PRE) to assist as the operating licenses are issued by PRE. PRE referred the matter back to the EXCO (Ramotshere Moiloa Chamber) indicating that EXCO has power to overrule the matter. The EXCO called all operators of the route of Gopane to a meeting to discuss the splitting of the Gopane routes. The members did not agree with the splitting and indicated that the splinter group led by the late Mr Mokotedi EB does not represent their views and the splinter group were not mandated by anyone in there Gopane route to split the route.

The resolution of the meeting was again referred by EXCO to PRE as an indication that processes were followed and consultation also took place with the concerned group at Ramotshere Moiloa Chamber. Following the procedure for any disciplinary measures or disputes, PRE referred the matter to the Regional Taxi council through secretary, who addressed both the parties of Gopane (the, for and against groups) splitting matter.

NB: the referendum was then held for operators of Gopane residing in Motswedi, Borakalalo and Lobatla. The group that was against splitting won the vote but the insisting group was still unhappy despite their out voted.

Several interventions were conducted by the Department i.e. Provincial Regulatory Entity (PRE), Conflict Management Unit and Traffic Management Directorate. However Regional Taxi Council also tried their luck to unite the two parties but did not succeed. To be precise the following interventions were also conducted route inspection, Joint operation and intervention meetings.

In March 2021 the matter was referred to the High court in Mahikeng which took the ruling that the matter should be resolved by the Department as operating licenses are issued by the Department. However the resisting group failed to honor the Court order and decided to operate in terms of their own arrangements which could not assist the process or address their challenges.

A total of (9) meetings were held effective from February2020 in relation to joint operation, mediation by the Provincial Regulatory Entity (PRE), Conflict Management, Transport Management and MEC's responsible for Community Safety and Transport Management. The last meeting presided by MEC J.S Lehari was held on the 05th August 2021 informing the members that section 91 of the NLTA No 5 of 2009 will be invoked failure to compliance .

The Associations and several operators continue to compete and operate not in accordance with their operating licenses. They were given seven days to sought out their challenges and the Department will then come back to check if the matter is resolved. The operators, further

requested extra three days. The status quo remains the same even after the meeting that was preceded by MEC with the presence of Provincial Taxi Council and the Department.

The affected municipalities also raised concerns about the rate of taxi violence and conflicts as reported from time to time in their area of authority, and this is also affecting the stability of their areas and the safe movement of passengers including other members of the community.

Whereby the following measures shall apply:

The intention of the **MEC for Department of Community Safety and Transport Management** is to announce the following extra-ordinary measures to be applied at Zeerust Taxi Rank, the Local Municipality and on all the routes as indicated above as follows;

- a) Closure of the route from Lobatla, Gopane, Motswedi and Borakalalo villages to Zeerust Taxi Rank and back, From Zeerust Taxi Rank to Borakalalo Motswedi Gopane and Lobatla villages.
- b) To accommodate the transport needs of the commuters/passengers living within and around the affected local villages, will be ferried by alternative Transport to their respective areas.
- c) No mini or midi busses are allowed to transport passengers on the above -mentioned routes as listed in paragraph (a) from the date of this announcement as publicised on the National Gazette within 30 days as determined by the MEC.
- d) The owner of a vehicle referred to shall be liable for all expenses incurred in the removal and impoundment of such a vehicle. All monies will be paid before a vehicle is released. Any vehicle utilised as a public transport vehicle, contradicting this gazette, will be impounded and transported to Lehurutshe Traffic Station or any Police Station within Ramotshere Moiloa Local Municipality at the vehicle owner's costs. The Costs will be determined as follow:
 - i) R2500,00 impoundment fee
- e) All impounded vehicle may be cleared by South African Police Services before they are released.

OFFENCES AND PENALTIES.

Failure to comply with the provisions of this notice constitutes an offence.

A person convicted of an offence in terms of this Notice may be sentenced to;

- (a) A fine not exceeding **R5 000,00 (Five thousands rands) and or 3 months imprisonment;** or
- (b) The motor vehicle will be impounded to the Police Stations or Traffic Offices within the District of Ngaka Modiri Molema or
- (c) The Operating licence may be permanently withdrawn.

Representation

The interested parties may make representation for two weeks, starting from the day which this gazette was published. All interested parties may make written representations to the MEC in this regard which may not be less than 24hrs (section 91 paragraphs 3(f) to address as listed below.

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THE REPRESENTATION MADE IN THIS REGARD WILL BE CONSIDERED WHEN MAKING THE NOTICE FOR THE EXTRA ORDINARY MEASURES.



HON JONAS SELLO LEHARI

MEC FOR COMMUNITY SAFETY AND TRANSPORT MANAGEMENT

NORTH WEST PROVINCE

DATE: 

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