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| **Congress of South African Trade Unions (COSATU) and**  **Police and Prisons Civil Rights Union (POPCRU) Proposals:**  **Taxi Related Crimes**  **15 August 2018** |
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| |  | | --- | |  |   **Submitted to:**  **Portfolio Committee on Police**  **National Assembly**  **Republic of South Africa** |

1. **Background**

The taxi industry plays a significant role in society as it facilitates access to social mobility due to its inherent influence over people's access to employment, education, healthcare and others. It is thus on this premise that COSATU and POPCRU condemns the increased rate of taxi related crimes which have reached crisis-levels in South Africa; with most disturbing prevalence of innocent passengers, including children, who become the victims of this form of violence.

These crimes are tied to various factors as cited by numerous reports on this matter, which amongst others include the fierceness of competition for passengers, routes battle among rival associations and unregulated nature of this industry.

Although taxi related crimes occur on national scale, three provinces, Kwa Zulu Natal, Western Cape and Gauteng were identified as hot spots for these senseless killings. The statistics are indeed depicting a very gloomy picture from these three provinces. By mid July 2018, the statistics showed that the highest numbers of incidents were recorded in Gauteng, which accounted for 40% of all murders associated with taxi-related violence and regard 0.4% of the overall murder figure. Gauteng was closely followed by Kwa-Zulu Natal which accounted for 38.9% of all murders linked to taxi violence followed by the Western Cape.[[1]](#footnote-1)

We thus submit to this Committee that the law enforcement agencies must move with speed to arrest perpetrators and rid the industry of illegal firearms that are being used to commit these crimes. It must be taken into cognisant that these killings are not only affecting and victimising taxi operators, but also their families and the commuters at large. These taxi killings effectively leave families of the deceased without breadwinners and throngs of commuters in fear and stranded without safer transportation system.

Based on this terse background, COSATU and POPCRU would like to elaborate further on the following key aspects:

* 1. **Regulation of the Industry**

COSATU and POPCRU would first and foremost like to call for the proper and stringent regularisation and formalisation of the taxi industry in the country. The thrust to regularise or legalise Taxi Industry should be centred around the formulation, compliance with existing laws, in particular labour laws and operationalisation requirements. The industry, since its inception back in the late 70’s, has been largely black owned and economically and structurally situated within the informal sector. And these patterns still exist even today in both Minibus and Metered Taxis.

The proposed formalisation is based on, among others, the fact that this industry has been marred by the exploitative labour relations between owners and drivers which seemingly maximise profits at all costs. Majority of the drivers, if not all, do not have formalised employment contracts. The drivers are working far above permissible 45 working hours a week as set out in the section 9 (a) of the Basic Conditions of Employment Act (BCEA).[[2]](#footnote-2)

This informal way of doing business is informed by minimisation of labour costs and general disregards of safety standards and taxes. Both taxi owners and drivers operate illegally because they do not pay tax for the money they earn in the business.

We acknowledge that due to high road carnages attributable to the taxi accidents, the government, through the National Land Transport Transition Act No 22 of 2000 tried to formalise and regulate the industry. The government attempted to phase out old minibus taxi fleet considered unsafe and unreliable on the roads. However this endeavour did not yield desired results. This industry it is today still having aged taxi fleet in poor conditions to can ferry people from one place to another especially throughout the course of the day.

We thus still call upon the Department of Transport, Department of Labour and South African Revenue Services (SARS) to move with speed and develop regulatory frameworks to eliminate these unlawful activities happening in the taxi industry.

**Minibus Taxis:** It is undisputable fact that the minibus taxis industry is heartbeat of our public transport system. This is the kind of transport operating across the rural and urban routes of our country. Currently the industry consists of approximately 150 000 registered public minibus taxis with 20 000 owners and 200 000 employees/drivers.[[3]](#footnote-3)

This industry is estimated to have a turnover of 16, 5 billion annually[[4]](#footnote-4); despite this huge turnover, the industry it’s unfortunately found to be not complying with other existing regulatory frameworks. For example, if the industry doesn’t contribute to the tax revenue it actively deprives and undermines any effort by government to build a strong economy that could help in creation of better employment.

We further believe that this kind of funds could help in the improvement of our roads network. It is for this reason that we call upon appropriate government departments and agencies to up their game in regulating and formalising the industry.

**Metered Taxi:** Metered Taxi is another mode of transport that is being used in South Africa primarily in major cities such as Durban, Johannesburg, Pretoria and Cape Town. Although operating differently from minibus taxis, the metered taxi industry is not immune from illegal activities encountered in the minibus taxis. The industry is reportedly experiencing unlawful operations which cause them 50% of turnover and as a result impacting negatively towards economic growth.[[5]](#footnote-5) To nib this problem in the bud, we call upon the government to start regulating this industry and ban the illegal operators. All operators found contravening existing regulations must be obliged to a fine.

The metered taxi market is now infiltrated by new entrants, the Uber and Taxify. COSATU and POPCRU call for the urgent passing of the National Land Transport Bill that will regulate the rapid growth of the ehailing taxi industry and subject them to the same legal requirements as the rest of the taxi industry.

**2. Application and Issuance of Operating Permits**

We have argued for the regulation of the industry with extreme consciousness that all vehicles operating in this business are issued with permits to operate. This permits the operators to use or operate their vehicle in designated routes. However we want to argue that the issuance of this permit is not panacea to all glitches experienced in the industry or be equated to the regulation within the industry. The issue of permits is actually one of the main contributing factors to the disarray of the industry as the issuing process is riddled with corruption and a great sense of favouritism. We thus submit that stringent measure be put in place to remedy the current malfunctions i.e. the issuance of the permit be limited to a certain number of taxis per owner. This will ensure that the playing field is levelled for all operators to compete on equal footing.

We further submit that in order to provide a smooth and proper administration to the issuance of the operating permits, the national government must develop standardised requirements for both minibus and metered taxis. The current practice and procedure in applying for the permits is completely defeating the very same object of normalising and bringing stability in the industry.

Our submission is premised on the current practice wherein metered taxi operators apply for the operating permits at their provincial and local governments; for instance; in Cape Town, operators apply for their metered taxi licences at their provincial transport department whilst this department relies on the City of Cape Town to provide feedback on whether there is enough demand for a new metered taxi licence in particular areas of the city.[[6]](#footnote-6) The unstandardized requirements and procedures in application of the operating permits will result in delaying of proper regulation and formalisation of the industry. And this will certainly leave the taxi industry outside the cohesive process of modernising of our public transport system.

**3**. **Compliance with Road Safety Rules**

Lack of compliance to the Road Safety Rules by taxi drivers has proven to be a persistent occurrence on our roads. Taxi drivers are generally not complying with road rules which contribute to high levels of road rages and frustrations to other road users. They are usually caught over speeding on the road, overloading, driving on the yellow lanes, driving without licences, overtaking on the barrier line and drunk and driving among others. They infringe on these road rules precisely to cut on the travelling time to secure as many trips as they could so as to make extra cash for the day.

Unfortunately, the stopping distance of these over speeding and overloaded cars changes considerably from the design, usually resulting in fatal incidents. It is reported that out of 36 lives lost daily on our roads, three are killed in taxi related incidents.[[7]](#footnote-7) We therefore urge traffic enforcement officers to stringently address these regular transgressions on the road rules by the taxi drivers because road crashes rob the country of the skills and talent that must help to build a prosperous South Africa while at the same time costing the economy billions annually. The similar call is also issued to the South African National Taxi Association Council (SANTACO) and other associations to help in getting their members/employees to comply with all road safety rules as it is very concerning that some of these unwarranted behaviours continue unabated.

Though we acknowledge government efforts in dealing with this challenge of complying with road safety rules, we still deem it necessary to highlight few points as the persistent operation of unpermitted or non-roadworthy taxis on our roads demonstrates number of things. Firstly, it demonstrates lack of seriousness on part of government or incompetency in dealing with this problem; secondly, it shows the unbridled arrogance of taxi operators which is possibly fed by the corrupt law enforcement system.

Recently in the City of Johannesburg (CoJ), 70 minibus taxis were impounded by the Johannesburg Metro Police Service (JMPS) for illegal operations.[[8]](#footnote-8) These 70 minibus taxis impounded were from one Association, Alexander Taxi Association. They were apparently operating without registration documents and licenses.

We moreover submit that, in order to deter these illegal practices, the number of the law enforcement officers must be increased during the high traffic volumes, especially in the morning and late afternoon, when these infringements are committed.

**We thus submit that the following must happen to curb these illegalities:**

* Department of Transport must revive the abandoned Recapitalisation Programme as the 15-seater Minibus Taxis which were meant to be phased out and replaced by 18-35 seaters are still actively operating on our roads;
* Regular road-blocks to ensure that all taxis strictly abide by the specified rules of the road;
* SAPS should adopt extraordinary measures to curb these crimes e.g. deployment of more resources (mostly specialized units) in the affected areas/provinces;
* Improved working relations between taxi representative bodies and the law enforcement agencies;
* Limited number of taxi ownership by association members: There is a great need for a policy that will regulate ownership of taxis, such a policy should bind owners from exceeding the set limit
* The impounded cars not to be released to the owners at a particular fee because they are quickly back on the road; posing serious risk to the road-users; and
* Punitive measures be sanctioned against all taxi owners not abiding by the laws and officials found to have fraudulently facilitated the release of impounded car.

We also submit that all Education Departments throughout the country contracting Minibus Taxi to transport their learners to subject them to quarterly roadworthy test.

**4. Conclusion**

In conclusion, COSATU and POPCRU want to argue that stringent and sustainable regulation of the industry is the only key intervention that can minimise if not eliminating all illegal activities blurring the industry. The National and Provincial road blocks operations that are being conducted only on long holidays like Easter Holidays and Festive seasons must be rolled out on regular intervals. The reality is that these operations bear positive results with a recording of high number of arrests.

We also call upon the South African National Taxi Association Council (SANTACO) and other national taxi federations through their affiliates to join hand with government and other stakeholders in helping to eliminate criminal activities befalling the taxi industry. We urge taxi operators to use dialogue as opposed to war whenever they are confronted by a dispute. And we also believe that if taxi operators can view themselves as a solution to the illegal activities currently defining taxi industry half the battle would be won.

We lastly applaud all dedicated law enforcement officers who works tirelessly in investigating, apprehending, and bringing to justice the perpetrators of these reprehensible acts. Let us all work together to ensure that we leave no stone unturned in ending this blood-spattered scourge.

Thank you for your time and support.

Yours comradely on behalf of COSATU and POPCRU,

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| cid:image005.jpg@01CC26CB.2C4815C0 | Matthew Parks  Parliamentary Coordinator  Cell: 082 785 0687  Email: [matthew@cosatu.org.za](mailto:matthew@cosatu.org.za)  6th Floor, 124 Adderley Street  Constitution House  Cape Town 8000  South Africa |

1. <https://mg.co.za/article/2018-07-23-taxi-violence-santaco-decries-lack-of-justice> [↑](#footnote-ref-1)
2. <http://www.labour.gov.za/DOL/legislation/acts/basic-conditions-of-employment/basic-conditions-of-employment-act-and-amendments>. [↑](#footnote-ref-2)
3. <https://www.arrivealive.co.za/Minibus-Taxis-and-Road-Safety>. [↑](#footnote-ref-3)
4. <https://www.arrivealive.co.za/Minibus-Taxis-and-Road-Safety> [↑](#footnote-ref-4)
5. <https://www.fin24.com/Tech/News/Illegal-taxis-have-cost-industry-50-of-turnover-council-20150129> [↑](#footnote-ref-5)
6. <https://www.fin24.com/Tech/News/Uber-scrambles-to-meet-Cape-Town-permit-requirements-20150129> [↑](#footnote-ref-6)
7. <https://www.arrivealive.co.za/Minibus-Taxis-and-Road-Safety> [↑](#footnote-ref-7)
8. <https://www.sowetanlive.co.za/news/south-africa/2018-06-26-we-are-not-targeting-taxis-says-city-of-joburg/> [↑](#footnote-ref-8)