

NATIONAL TAXI LEKGOTLA 2020 DECLARATION

We, the delegates at the National Taxi Lekgotla, gathered at Birchwood Hotel in Ekurhuleni, representing the taxi industry and all its sub-sectors, government and various organs of civil society, having NOTED THAT:

1. The National Taxi Task Team Final Recommendations remain relevant as a blueprint for a taxi industry that is formalised, effectively regulated and empowered to grow and sustain its business;
2. Unity remains a challenge in the taxi industry, and achieving such unity will play a pivotal role in ensuring peace and a safe environment for commuters, drivers and other road users.
3. The significance of the historical processes since the advent of democracy which led to the establishment of and the recognition by government of the South African National Taxi Council (SANTACO) as an apex industry representative body;
4. The taxi industry continues to operate in the fringes of the formal economy with limited benefit from the industries it supports through its massive buying power;
5. Regulation of the industry remains weak and fragmented and enforcement of the law further undermined by public servants and officers of the law who have business interests in the industry.
6. This declaration is a compact among the parties and is amplified by the detailed resolutions of the Lekgotla.

BELIEVING THAT:

7. Integrity, accountability, representivity and morality are key values for unity and effective leadership;
8. Gender-based violence, femicide and discrimination against the LGBTQI+ community is a major obstacle to the achievement of equality, development and peace. It robs women, girls and members of the LGBTQI+ of their human rights and freedoms as enshrined in the country's constitution;
9. The Fourth Industrial Revolution presents opportunities for growth and innovation, for the taxi industry to propel itself into the digital era with the adoption of cutting-edge technologies that meet commuter evolving transport needs;
10. Illegal operations have detrimental impact on the sustainability of taxi operations and create perverse incentives for conflict and criminality;

AFFIRMING

11. The taxi industry's commitment to the realization of the National Taxi Lekgotla vision encapsulated in its core message "Taxi Industry: Towards a peaceful co-existence and shared prosperity."

WE THEREFORE COMMIT OURSELVES

12. To an Action Plan with defined time frames, that will take the formalization, regulation and empowerment of the taxi industry to its logical conclusion, which must transform the industry to a sustainable industry that owns its value chain;
13. To an Implementation process guided by a Joint Industry/Government Working Group whose mandate is to exercise oversight over implementation of the resolutions, guided by relevant government process to ensure legality and rationality of actions contained in the Action Plan.

ON LEADERSHIP

14. To affirming SANTACO as an apex industry leadership body, premised on the principle of values that must govern the election of leaders onto Council position in a manner that affirms their leadership of the industry free from any bias towards a particular Association, whether perceived or real.
15. To affirm SANTACO as a professional body which must be empowered to develop norms and standards and manage certain processes within the industry. This is premised on the principle that the Minister must be given legal powers to recognise a single industry representative body and prescribe certain functions to be performed by such body.
16. We, however, remain committed to the ideal of bringing all other formations including metered taxis and ehailing under a single unified national council for taxis.

ON EMPOWERMENT

17. To provide subsidy to the taxi industry as an integral part of the economic model aimed at ensuring long-term sustainability of the industry;
18. To an empowerment model underpinned by the principle that economic benefits must cascade to all operators in the industry. Such empowerment model must be anchored on formalization which includes establishment of business entities, subsidization of the industry and partnerships with government on the rollout of public transport infrastructure and integrated public transport networks.
19. To a re-imagined Taxi Recapitalisation Programme which must effectively transform the economics of the industry in a meaningful way.
20. We are committed to putting measures and interventions aimed at influencing the economic variables within the industry value chain, including those aimed at alleviating the impact of high costs of finance.

21. To the introduction of an electronic fare collection system in order to reduce the handling of cash.

ON REGULATION

22. To a regulatory framework anchored on the principles of modernizing processes characterized by reduced turn-around times in the operating licence process value chain, which include reduced gazetting periods and a turn-around time of 60 days.
23. To the recognition of associations through registration process supported by a Panel of Assessors attached to the relevant entity charged with the responsibility to maintain the Association register.
24. To a moratorium on new Operating Licences, until supply and demand can be re-assessed and dormant Operating Licences identified. Such moratorium is premised on the principle that once a Province completes the relevant processes to determine demand and supply and are able to determine the number of operating licences required, such moratorium may be lifted.
25. To implementation of industry sectoral determination and compliance with labour laws.
26. To strengthen law enforcement in a consistent manner that affirms the supremacy of the rule of law and ensure respect for the rules of the road and eliminate the culture of lawlessness.

ON PROFESSIONALISATION AND CUSTOMER CARE

27. To paying serious attention to passenger issues and the introduction of standards on the treatment of commuters and other road users. This must be reinforced by a complaint mechanism that ensures consequences for negative conduct.
28. Accredited and certificated training programme must underpin skills development interventions aimed at upskilling operators.
29. Gender Based Violence, Femicide and discrimination against members of the LGBTQIA+ has no place in the Taxi Industry. Penalties and sanction for those who perpetuate these crimes and are found guilty must be sanctioned as an operator. The abuse of women, the girl child and people with disabilities, as well as the LGBTQI+ community must be reported and decisively acted upon.

OUR CLARION CALL

We call upon all stakeholders and all sub-sectors within the industry to forge a compact aimed at transforming the industry into a formalized and professionalized economic sector that delivers world class services to majority of commuters within the Republic. We imagine and envisage a future wherein the taxi industry is an important contributor to the economic development, the tax base of the country and livelihoods of operators involved in the sector. We call upon all those involved in the value chain of the taxi industry to join hands with government and other stakeholders in achieving these noble objectives.

RESOLUTIONS

RESOLUTIONS

All resolutions must be subjected to legal vetting to ensure that they fall within the ambit of the law and that they pass constitutional muster. Where resolutions require government concurrence which may give rise to change in policy, legislation and operating procedures, these will be subjected to a negotiation process.

ON UNITY AND LEADERSHIP

NOTING

1. Training is essential for establishing and upholding industry standards and holding operators accountable for their actions;
2. Self-sufficiency and independence from government are important tenets of the industry leadership structures;
3. The importance of consultation with industry structures when government is making decisions that impact on the industry;
4. The need to return to the basics which requires SANTACO to revisit the reasons for its establishment and implement those initial intentions, and government to provide feedback on progress before changing objectives;
5. The need to upgrade and/or redesign public transport infrastructure and facilities to respond to the specific needs of commuters, operators and drivers, with particular reference to universal access for people with disabilities and safe spaces for women and children.

RESOLVES

1. To reaffirm the principle of peaceful co-existence and shared prosperity and articulated in the Lekgotla Theme and Message;
2. Industry compliance with minimum sectoral determination, including all labour laws which include UIF, Skills Development Levy, among others;
3. Government to conduct workshops for operators in order to improve relations with SANTACO;
4. SANTACO must be established as a uniform leadership national council, with proportional representation of Provinces, which Council must be underpinned by governance rules which include capping of terms of office, regulating internal leadership issues across various spheres;
5. Scholar transport, Cross-Border and metered taxi operators must be represented in SANTACO;
6. SANTACO is recognized as the governing body for the entire taxi industry;

7. A provision must be made in legislation to empower the Minister to recognise a single industry governing body;
8. The industry governing body must be empowered to regulate taxi services across all sub-sectors;
9. Elected leadership onto Council roles must embody the values of trustworthiness, transparency and integrity;
10. Training on the Code of Conduct to ensure all operators comply with the agreed behaviour, norms and practices;
11. Investment be made in upskilling and uplifting vulnerable groups such as unemployed youth and young women through collaboration with institutions of learning;
12. Upon election onto Council positions, leaders should relinquish roles in lower structures, including Associations.
13. There should be one Association per town, which should work closely with local authorities on industry matters. SANTACO must deal with the modalities of how this resolution will operate in practice.
14. Splinter groups and non-members should not be accorded equal treatment as legitimate associations and members. However, this matter must be subjected to legal scrutiny in order to ensure that it passes the Constitutional muster.
15. Modernise industry operations by introducing improved models that support formalized operations, modal integration and improved working relationships which includes e-ticketing, dedicated public transport lanes, re-designed vehicles to make them fit-for-purpose, centralized information systems and certificated training;
16. Address complicity of law enforcement officers and those involved in the issuing of operating licences in harassing and undermining the rights of operators by instituting a principle of rotation of such officials;
17. Measures must be put in place in collaboration with government to ensure road conditions are not allowed to deteriorate to unacceptable levels that impact on roadworthiness of the vehicles;
18. Work with law enforcement authorities and other organs of state to eliminate violence and criminality, which includes modernizing industry operations and supporting a centralized and dedicated public transport law enforcement.
19. At least 30% of all leadership roles in the industry must be women;
20. As a measure to minimize conflict and avoid saturation of routes, Associations should neither accept new members nor actively recruit illegal operators;
21. The provisions of the National Land Transport Amendment Bill banning public servants and law enforcement officials from having business interests in the industry is supported;
22. Fees payable by members within the industry should be standardized;

ON REGULATION

NOTING

1. The urgent need to expedite the promulgation of the National Land Transport Amendment Bill which will clear the way to regulating e-hailing services;
2. The negative impact of government indecisiveness in the rolling out of the updated National Land Transport Information System (NLTIS) and the urgent need to find a speedy resolution to the implementation of a workable system;
- 3.. The need for building capacity at municipal level for public transport planning.

RESOLVES

OPERATING LICENCES

1. Government should impose a moratorium imposed on new Operating Licenses until supply and demand can be re-assessed and dormant Operating Licenses identified.
2. The lifespan of Operating Licenses should be indefinite and must take into account the rights of operators as business entities and the value attached to Operating License in the business context. This will be a subject of engagement with government.
3. Operating License conditions should be standardized with a clear description of routes so as to make enforcement easier and even-handed.
4. Public transport vehicles should be clearly branded so as to differentiate between different services.
5. The turnaround time for Operating License processes must be improved. This includes the reduction of the mandatory gazetting period and the strict enforcement of finalising all requisite processes within 60 days.
6. Standard Operating Procedures of the Provincial Regulatory Entities should be documented and communicated with the industry through communication channels and training programmes.
7. Consideration must be given to creating an alignment of Operating License regulatory frameworks and planning processes, including Cross-border processes.
8. Ensure uniformity across Provinces on regulating industry operations and processes and ensure development of knowledge repository guided by the following pillars:
 - i. Identify best practices
 - ii. Systems
 - iii. Documented processes

9. Operating Licence applications must be supported by registered Associations.
10. Modernisation and innovation must guide improvements of systems, processes and operations of the industry.
11. 'Admin marks' on the eNaTIS to prevent renewal of Operating Licences should be discouraged.
12. SARS tax clearance certificates should be divorced from Operating Licence processes.
13. As an integral part of formalization, the National Land Transport regulations should be amended to address challenges relating to transfers of operating licences to a corporate entity in relation to deceased estate.

REGISTRATION OF ASSOCIATIONS, MEMBERS AND DRIVERS

14. Registration of Associations, members and drivers must be made mandatory coupled with the re-introduction of the Standard Minimum Constitution and Code of Conduct. Associations must therefore be recognized through the registration process. This should include metered taxi associations and co-operatives.
15. SANTACO as an industry representative body should become a professional body similar to a nursing council, with limited regulatory powers to govern the industry.
16. Consideration should be given to disallow 'non-members' from participation in the taxi industry.
17. Floor crossing of members from one Association to another should not be allowed.
18. Routes should be registered to associations.
19. Panels of Assessors should be reintroduced to intervene in disputes over routes so as to prevent violent conflict.
20. No new associations should be registered.
21. In allocating Operating Licences where new developments and/or new residential areas, first right of refusal to operate such new routes should be given to local associations. Public Transport Impact Assessment process should include consultation with local associations prior to approval of the development.
22. A full audit of the Registrar's Administration System (RAS) should be undertaken.

PLANNING

1. The establishment of Municipal Regulatory Entities must be premised on the principle that municipalities may not be a 'player and referee' considering that municipalities also operate public transport services.

REGULATING E-HAILING SERVICES

1. Regulations to regulate e-hailing services must be given priority and law enforcement strengthened to eliminate illegal operations.
2. E-Hailing vehicles must be clearly marked so as to prevent illegal operations.
3. E-Hailing and minibus taxi type services must be clearly differentiated as separate modes, but unity in the taxi industry must not be sacrificed.
4. Home grown solutions taking advantage of technology, including e-hailing, owned by and benefitting the taxi industry, must be promoted and given priority over foreign solutions.
5. Driver partners of e-hailing services must be vetted.

ILLEGAL OPERATIONS / ENFORCEMENT

1. Law enforcement must be premised on the principle of consistency, fairness based on a uniform set of rules. Regulatory entities must have a clearly defined role in enforcing the prescripts and strengthening law enforcement. Dedicated public transport law enforcement is the preferred route.
2. In support of the moratorium on new operating licences, a special dispensation to legalise illegal operators in a form similar to the 'Be Legal Campaign' premised on predetermined conditions, must be implemented. The legalization process must reinforce the demand and supply analysis, economic viability studies and route surveys that must be the basis for the lifting of the moratorium.

ON EMPOWERMENT

NOTING

1. Lack of consistency in the management, operation and maintenance of ranking facilities by various municipalities;
2. The need for the taxi industry to be involved in the planning processes relating to facilities, but also general planning for public transport infrastructure.
3. Scholar transport is a service provided by a variety of operators such as Small Bus Operators and not exclusively by the Taxi Industry.
4. An Operating Licence for both scholar and regular public transport service cannot be issued to the same operator.

5. The proliferation of e-hailing services outside the regulatory framework has worsened the problem of illegal operations and compounded the saturation of routes.
6. The advent of the 4th industrial revolution has transformed the transport sector and created opportunities for satisfying consumer demand through technology.
7. The principal objective of the Taxi Recapitalisation Programme to transform the economics of the taxi industry in a manner that will ensure long-term sustainability and self-sufficiency.
8. The significant number of operators operating illegally without operating licences in the industry.

RESOLVE

SCHOLAR TRANSPORT

1. Closed Circuit Television (CCTV) cameras should be installed at taxi ranks, and this should be a minimum standard in the maintenance of such facilities.
2. Public Transport Facilities should be transferred to Local Associations on a long-term lease arrangement;
3. Land for Public Transport Facilities to be transferred to Local Associations;
4. All operators providing a scholar transport service, must become members of local associations;
5. Special branding for scholar transport vehicles must be introduced;
6. Consideration should be given to extending validity of Operating Licenses to 5 to 7 years

INTEGRATED TICKETING

1. Smart card fare collection technologies premised on integrated ticketing principles must be introduced as an industry-wide standard to address fare leakage and improve cash flows in the industry. Such technologies must directly benefit the industry and solutions owned by the industry itself.

TAXI RECAPITALISATION PROGRAMME

1. The recapitalisation qualification criteria must be expanded beyond 16-seater vehicles and include larger and older vehicles and further revision of cut-off dates.
2. The shareholding and board representation of the scrapping entity should reflect the minibus-taxi industry as an important shareholder in line with the current contractual commitments.
3. Ownership of the scrapping entity should be 100% owned by taxi industry.

4. Scrapping allowance allocated for scrapping of vehicles must be increased to R150,000 – R165,000 per vehicle.
5. Older vehicles older than 7 years should be considered for scrapping.
6. Consideration should be given to the inclusion of midi-buses and metered taxis in the scrapping process.
7. Consideration should be given for scrapping allowance value pitched at 50% of the retail value.
8. In cases where vehicles have been burnt or irreparably damaged, the PRE should allow for issuing of 'Operating Licences for scrapping purposes' – waiving requirement for CRW to be submitted.
9. In re-imagining the Taxi Recapitalisation Programme, the 60% ownership of the TRSA must be brought to bear and TRSA be supported in maximising benefits in the value chain opportunities and generate commercial value. Industry in partnership with TRSA must explore a fuel rewards scheme for the industry and pilot the same.
10. In giving impetus to formalization and corporatization of the industry into formal business units, initiatives of the taxi industry acquiring shares in bus companies and other businesses such as vehicle operating companies, support must be given to the industry to replicate these initiatives.
11. Industry should develop an empowerment model that promotes women, youth and vulnerable groups as beneficiaries.
12. Through corporatized vehicles, the taxi industry should benefit from VAT zero-rating on fleet acquisitions for public transport.
13. Government should put measures to intervene towards reduction of interest rates, unfavourable financing terms for fleet acquisition and strongly explore the establishment of a Taxi Cooperative Bank owned by the industry.
14. Industry must participate in the subsidy scheme in recognition of its role as the largest mode of commuters.
15. The allocation of COVID-19 relief funds must be expedited. The basis for distribution should either be done individually to operators based on specific circumstances and impact of COVID-19 or alternatively disbursed by way of provincial allocations.
16. A Funding Framework for the taxi industry structures should include all provinces, with consideration given to funding structures at district/regional level.
17. Formalisation of the industry operations will be premised on a hybrid model which includes, but not limited to Co-operatives, Private Companies, Special Purpose Vehicles and Public Companies.
18. The taxi industry must play a larger role in the implementation of Integrated Public Transport Networks across country

19. The Standard Constitution should be amended to address Gender Based Violence and penalties must be included
20. Denounce conflict and violence in all its manifestations in the industry. Strong disincentives aimed at penalising and exposing those involved in such conflict and/or violence must be introduced. These should include disciplinary processes, suspension and revoking of Operating Licences.
21. Introduce Taxi Violence Units across the three spheres of government in close collaboration with law enforcement authorities.
22. Government officials and law enforcement officers involved in conflicts and/or violence in the industry should be named and shamed.

ON PROFESSIONALISATION

NOTING

1. Government assistance from organs such as the Companies and Intellectual Property Commission, the Transport Education and Training Authority and the South African Revenue Service (SARS) is needed through roadshows and other measures to assist with formalization.
2. The need to develop strong communication capability of the industry with its stakeholders, government and passengers supported by a communication strategy.

RESOLVES

1. The formalisation process must be phased in over a defined time period, with specified goals. This process must include provision of assistance to operators to transition into formal business entities.
2. There is a need to create a database / Register of Drivers (Similar to that of PSIRA).
3. There must be consequences for operating in an unprofessional manner, which must be encoded in an agreed code of conduct for operators (as well as passengers).
4. Drivers should form part of a bargaining council and be unionised.
5. Continuous training - with qualifications for every part of the industry from operators to cleaners.. it must cover all skills levels even if students left school at grade 5.
6. Customer care training – related to the drivers. Marshalls. Service users – look at where the complaints come from, and develop training around this.
7. The industry must contribute to the skills levy through an agreed upon method.

8. Infrastructure programme between SALGA and the Industry. Rank development must be part of the IDP/ITP, and must form part of integrated public transport networks (IPTNS).
9. All taxi services must be properly accommodated in public transport infrastructure.
10. A universally designed vehicle is needed that accommodates people with disability.
11. Lighting in ranks, around ranks and along walkways must form an integral part of the design, maintenance and operations of the ranking facilities.
12. A partnership between the taxi industry and Transport User Group of South Africa (TUGSA) aimed at advancing the interests of public transport users, proposed in 2012 must be given implemented.
13. Cameras on board taxi vehicles and increased security in ranks including CCTV cameras are required to improve security of passengers and workers.
14. Physical security is needed as well as improved institutional processes which will also help improve security. Many of these can be developed through technology in the form of surveillance cameras, number recognition systems at ranking facilities and access control (include Automated access for Taxis) at such facilities
15. Monitor driver behaviour through Electronic Breathalyzer, GPS tracking system and Front and Back Dash-Cameras
16. Vehicle roadworthiness checks and operating licence checks must be regularly conducted.
17. A streamlined approach to cross-border licences with a turn-around time of less than 6 months must be adopted.
18. Norms and standards for determination of fares must be adopted and implemented.

END