###### National Assembly

###### Question Number: 2411

**Ms N I Tarabella Marchesi (DA) to ask the Minister of Transport:**

What (a) are the full reasons why the SA National Roads Agency (SANRAL) approached the Constitutional Court regarding the tolling of the N1 and N2 highways in the Western Cape and (b) amount has SANRAL spent on legal expenses on the specified matter to date? NW2793E

**REPLY**

1. At the heart of the appeal is the question of condonation of an unreasonable delay on the part of the City of Cape Town, as an organ of state and its failure to provide an explanation for its unreasonable delay in reviewing the decisions taken concerning the N1/N2 Project (the Project). There is no question that the City knew that the decisions had been taken at the time that they were taken, that SANRAL was acting in furtherance of those decisions, and that the City stood by and did nothing even though it knew of this. It offered no explanation for why it did nothing. The Project was more than a decade in the making. Monies have already been spent in implementing and carrying out certain works concerning the Project. The City, being well aware of the Project, delayed unreasonably in bringing its application – almost a decade later. The City has never disputed that it became aware of the SANRAL decisions to declare the roads as toll roads when they were published in 2008. The peremptory 180-day period referred to in section 7 of the Promotion of Administrative Justice Act, (PAJA), (Act 3 of 2000) expired during March 2009

The N1 / N2 Winelands Project was conceived to improve the link between the Western Cape and the rest of the country, and substantial time, effort and investment had been put into its development. The Winelands Toll Road Project is a strategic infrastructure project that is necessary to sustain and develop the Western Cape economy and brings enormous economic development for the Western Cape Province. It was also earmarked to facilitate the movement of large volumes of export and import freight, business, tourism, recreational and commuter traffic which is vital to growing the South African economy.

1. I must hastily point out to this honourable House and to the honourable member, Ms N I Tarabella Marchesi MP, that the Appeal as lodged by SANRAL is also against the costs order awarded and it would be negligent and misleading of me to mention a figure which the Appeal Court might overturn, my suggestion therefore is that we await the finalisation of the Appeal.