

**IN THE CONSTITUTIONAL COURT OF SOUTH AFRICA
(JOHANNESBURG)**

CC Case No. 38/2012

NGHC Case No. 17141/2012

In the matter between:

NATIONAL TREASURY	First Applicant
THE SOUTH AFRICAN NATIONAL ROADS AGENCY LTD	Second Applicant
THE MINISTER, DEPARTMENT OF TRANSPORT REPUBLIC OF SOUTH AFRICA	Third Applicant
THE MEC, DEPARTMENT OF ROADS AND TRANSPORT, GAUTENG	Fourth Applicant
THE MINISTER, DEPARTMENT OF WATER AND ENVIRONMENTAL AFFAIRS	Fifth Applicant
THE DIRECTOR-GENERAL, DEPARTMENT OF WATER AND ENVIRONMENTAL AFFAIRS	Sixth Applicant
and	
OPPOSITION TO URBAN TOLLING ALLIANCE	First Respondent
SOUTH AFRICAN VEHICLE RENTING AND LEASING ASSOCIATION	Second Respondent
QUADPARA ASSOCIATION OF SOUTH AFRICA	Third Respondent
SOUTH AFRICAN NATIONAL CONSUMER UNION	Fourth Respondent
NATIONAL CONSUMER COMMISSION	Fifth Respondent

SECOND APPLICANT'S CHRONOLOGY

In this chronology, the references given are all to the Appeal Record as provided to the Court. The references are to *Volume*, the *Page Number/s* and, where applicable, the *line number/s* expressed respectively as 1:2:3.

Where no reference is given then the date is common cause and no significance derives from the documents.

<u>DATE</u>	<u>DESCRIPTION</u>	<u>REFERENCE</u>
1987	Abolition of Ring-Fenced Fuel Levy.	7:682:18—683:6
1996	Government White Paper accepting that tolling is a financing arrangement to be adopted for roads.	16:1434:17— 1435:16
1 April 1998	<i>SANRAL</i> Established	
April 1998	Gauteng Department of Transport and Public Works policy document: “Gauteng Toll Roads – Growth Means Transport: A Toll Roads Strategy for Gauteng”.	1:76:2—4
2000	Unsolicited public bid to upgrade Gauteng Roads and apply a toll for cost.	6:564:8—11
2003	Gauteng Toll Roads Bill (Notice 1880 of 2003)	1:76:12—14
2005	<i>SANRAL</i> proposed road scheme to expand Gauteng Roads.	1:77:1—2 6:564:12—566:2
September 2006	Gauteng Transport/ <i>SANRAL</i> report on Gauteng Freeway Improvement Scheme	6:585:3—8 9:883 NA6
23 May 2007	<i>SANRAL</i> publication of notice of intention to apply for <i>environmental authorisations</i> for <i>GFIP</i> .	2:146:13—18
July 2007	<i>SANRAL</i> presentation to Cabinet	7:618:16—19 9:917 NA7 9:924 NA8
July 2007	Cabinet approves implementation of <i>GFIP</i> .	1:77:6—7

		6:567:1—8
8 October 2007	<i>Transport Minister</i> announces launch of <i>GFIP</i> .	1:77:8—9
		6:567:6—8
12 October 2007	<i>SANRAL</i> publishes notice of intent to toll.	1:77:12—82:8
7 November 2007	<i>Environmental Authorisations</i> under <i>NEMA</i> for upgrading of National Roads.	1:56:13—19
14 November 2007	Closing date for public representations in respect of declaration of toll roads.	1:84:17—19
23 November 2007	<i>Environmental Authorisation</i> under <i>NEMA</i> for upgrading of National Roads.	1:23—41; 1:54:16—55:18
14 December 2007	Closing date for public authorities to make representations in respect of declaration of toll roads	1:84:17—19
10 January 2008	<i>SANRAL</i> application to <i>Transport Minister</i> for authorisation of declaration of toll road.	9:828—882 NA5
11 February 2008	Approval given to <i>SANRAL</i> by <i>Transport Minister</i> for toll declarations.	10:966:11—14
18 February 2008	Environmental Authorisation under <i>NEMA</i> for upgrading of National Roads.	1:56:6—12
19 February 2008	Environmental Authorisation under <i>NEMA</i> for upgrading of National Roads.	1:55:19—56:5
28 March 2008	Declaration of National Roads	1:16—21; 1:52:9—54:2
11 April 2008	<i>Transport Minister</i> declares sections of Provincial Road R 21 as National Road.	1:89:1—4
18 April 2008	<i>SANRAL</i> publishes final notice of intent to toll.	1:89:5—16
9 May 2008	<i>SANRAL</i> media release: Awarded seven contracts for first phase of <i>GFIP</i> .	1:91:10—13 6:580:9—10
18 May 2008	Closing date for public representations in respect of	1:90:4—5

	final declaration of toll road.	
18 June 2008	Closing date for public authorities to make representations in respect of final declaration of toll roads	1:90:4—5
24 June 2008	<i>“Work commenced in earnest on GFIP and continued for the next two years.”</i>	1:93:6—10 6:580:10—14
28 July 2008	Declaration of National Road	1:22; 1:54:3—8
28 July 2008	Declaration of toll road.	1:91:1—4
December 2008	Pre-Qualification of potential contractors completed by <i>SANRAL</i> .	2:121:16—19
April 2009	Pre-Qualified contractors invited to submit tenders for open-road tolling system.	2:122:2—4
8 September 2009	Construction of toll gantries commences.	8:804:5—6
4 February 2011	Director General for Transport published toll tariffs under section 27(3)(c) of <i>the SANRAL Act</i> .	1:94:16—95:2 6:581:1—3
20 February 2011	<i>Transport Minister</i> announces suspension of implementation of tolling.	2:168:12—14
22 February 2011	Decision taken to establish Steering Committee to address e-tolling.	1:95:15—18
8 March 2011	Establishment of <i>GFIP</i> Steering Committee announced.	2:168:16—18 4:311—317 “FA36”
10 August 2011	Cabinet approves new toll tariffs.	1:99:16
23 October 2011	<i>Transport Minister</i> postpones tolling.	1:100:3—7 4:325 “FA40”
27 October 2011	<i>SANRAL</i> statement: Tolling will commence February 2012	1:100:11—14
6 November 2011	Department of Transport Statement: The halting of e-tolling did not include Phase 1 of <i>GFIP</i> .	1:100:15—17 4: 326 “FA41”

7 November 2011	<i>SANRAL</i> commencement of e-toll registration.	1:100:11—14
13 December 2011	Meeting <i>SAVRALA</i> and <i>SANRAL</i> and NPP on implementation of open road tolling.	2:131:7—17
13 January 2012	<i>SANRAL</i> statement: E-tolling would not commence in February 2012.	1:101:16—20
7 February 2012	<i>Transport Minister</i> announcement: “User-pay” principle would not be abandoned.	1:102:17—103:5 4:330—332 FA45
22 February 2012	<i>Finance Minister</i> Budget Speech: “definitively put an end to” “hope of change”.	1:103:9—104:3 2:167:3—5 4:333—334 FA46
28 February 2012	<i>SANCU</i> complaint filed with NCC	2:204:8—9
29 February 2012	<i>SANRAL</i> downgraded by Moody’s on back of e-tolling uncertainty.	11:1107—1108 “B”
12 March 2012	<i>OUTA</i> established.	1:61:10—15
15 March 2012	<i>OUTA et al</i> obtain HMKL record.	2:133:16—134:2
23 March 2012	Notice of Motion: <i>OUTA et al</i>	1:1—15
2 April 2012	<i>OUTA et al’s</i> Notice in terms of Rule 16A.	5:503—508
24—26 April 2012	Argument before Prinsloo J in North Gauteng High Court	
28 April 2012	Order granted by Prinsloo J in North Gauteng High Court	15:1407—1409
30 April 2012	Planned Date for Commencement of tolling of <i>GFIP</i> .	
16 May 2012	Written Judgment of Prinsloo J	15:1376—1406
21 May 2012	Notice of Motion: Application to Constitutional Court for leave to appeal Judgment of Prinsloo J.	16:1410—1415