

# Public must be given details of e-toll contracts

The details of the electronic toll collection contract (ETC) should not be kept confidential, the Opposition to Urban Tolling Alliance (Outa) said on Monday, 15 October 2012.

"It shouldn't be confidential. It is taxpayers' money that is being used to pay the tolls so the taxpayer should know what the money is being used for," said Outa chairman Wayne Duvenage.

But there was nothing he could do about it after Outa agreed to sign a confidentiality agreement, said Duvenage.

He said that was the only way Outa would have been able to get access to the ETC contract to prepare for its court case.

Duvenage was responding to a report in The Star newspaper on Monday that parts of the high court review of the project in November could be held in camera because of the confidentiality agreement.

This meant that taxpayers may never know the full agreements, pricing and sub-contracts surrounding e-tolling.

Last month, the Constitutional Court overturned an interim order which had put a hold on the Gauteng e-tolling project.

During the case, the legal team representing the South African National Roads Agency (Sanral) had made selective references to the ETC contract which Outa had not seen.

"Now imagine a court case where they are using a contract that we had not seen," said Duvenage.

"We needed to see these contracts and were asked to sign a confidentiality agreement to see it."

The Constitutional Court found that the High Court in Pretoria had not considered the separation of powers between the high court and executive.

In April, the High Court granted Outa the interdict, ruling that a full review needed to be carried out before electronic tolling could be put into effect.

The interdict prevented Sanral from levying or collecting e-tolls pending the outcome of the review.

Sanral and National Treasury appealed against the court order, and said delays prevented the payment of the R21bn incurred in building gantries.

The review was expected take place in the High Court in Pretoria on 26 November.

*Source: Sapa*

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