



GAUTENG PROVINCE

ROADS AND TRANSPORT
REPUBLIC OF SOUTH AFRICA

The Secretary
Gauteng Provincial Legislature
Private Bag X52
JOHANNESBURG
2000

Dear Sir

Question 5.TR071 Posed by the Legislature:

**Regarding legal and other costs related to unsafe road surfaces,
Could the MEC please indicate:**

- (i) what is the total amount in rands and cents that the Department has paid in legal costs related to claims filed by private citizens and businesses over unsafe road surfaces in the past five years?
- (ii) how many times has the Department been found liable for damage caused by potholes and other unsafe road conditions in the last three years? Provide case numbers where applicable;
- (iii) provide the total financial value in rands and cents of all orders paid by the Department in relation to injuries caused by unsafe road surfaces during the past five years;
- (iv) how many reported incidents involving injuries, including fatalities, have been linked directly to potholes and unsafe road conditions under the Department's jurisdiction;
- (v) what is the total compensation paid by the department for claims associated with deaths caused by unsafe road surfaces in the past five years;
- (vi) how many claims related to vehicle damage from potholes have resulted in court judgements against the Department in the previous five years, and what was their combined cost;

- (vii) what percentage of the department's annual roads and maintenance budget has been diverted to cover legal costs and judgements against the Department associated with unsafe road surfaces;
- (viii) how frequently are pothole-related claims reviewed and audited to assess the Department's liability and financial exposure;
- (ix) what measures has the Department implemented to reduce the number and cost of claims linked to unsafe road surfaces since the last reported incident; and
- (x) can you quantify, in rands and cents, the department's outstanding financial liabilities currently pending resolution due to claims from private citizens and businesses over road surface safety?

With reference to question 5.TR071 tabled by Member E. Plessis of Democratic Alliance (DA), I wish to reply as follows:

Reply:

- (i) The Table below indicates the total legal costs paid by the Department per year are as follows:

Financial Year	Legal Cost
2020/2021	R7 230 654.79
2021/2022	R11 052 388.64
2022/2023	R24 351 522.76
2023/2024	R18 843 213.56
2024/2025	R7 733 898.23

- (ii) The Department was found to be liable in 145 cases (mostly low-end pothole cases).
- (iii) The Table below indicates the financial value of all the orders by the Department in relation to the injuries caused by unsafe road surfaces during the past five years;

Financial Year	Description	Amount Paid
2020/2021	No Judgements	N/A
2021/2022	No Judgements	N/A

Financial Year	Description	Amount Paid
2022/2023	1 Case Ref – Johannes Joubert/MEC: DRT Judgment (North Gauteng High Court Case Number: 41068/2011)	R5 010 988.50
2023/2024	1 Case Ref - Michael Robert Halstead/MEC: DRT-Judgment (Court of Quo North Gauteng Court Case Number: 40162/2019 and Supreme Court of Appeal Case Number: 225/2024)	R38 million
2024/2025	No Judgements	N/A

- (iv) As of 31 August 2025, there are 988 cases recorded by the Department.
- (v) The Department did not receive any claim nor any associated with deaths caused by unsafe road surfaces in the past five years.
- (vi) No court judgements as the Department has negotiated out of court settlements. The Table below indicates the financial year and settlement amount paid:

Financial Year	Settlement Amount Paid
2020/2021	R9 200 005.39
2021/2022	R5 704 142.81
2022/2023	R23 303 168.35
2023/2024	R29 953 206.31
2024/2025	R18 754 244.85

- (vii) The Table below indicates the percentage that the Department's annual roads and maintenance budget has been diverted to cover legal costs and judgements against the Department associated with unsafe road surfaces:

Financial Year	Expenditure	% Budget Spent
2020/21	3,504,136.22	7% (budget of 48,332,000)

Financial Year	Expenditure	% Budget Spent
2021/22	34,940,495.23	24% (budget of 143,457,000)
2022/23	956,305.49	1% (budget of 75,004,000)
2023/24	8,666,681.79	11% (budget of 81,600,000)
2024/25	34,238,545.48	46% (budget of 74,115,000)

- (viii) Pothole related claims are reviewed and audited monthly and quarterly.
- (ix) Contractors have been appointed to maintain the Provincial Roads. A Litigation Reduction Plan in particular relating to unsafe road surfaces was signed off by the Head of Department in August 2025; and an implementation of the Plan is in progress
- (x) The contingency liabilities as of 31 August 2025 amount to R126 423 042.65.

Yours faithfully



Kedibone Diale-Tlabela, MPL
Member of Executive Council
Transport and Logistics
Date: 05/09/2025