

25 September 2020

Adv. Thabo Mokoena
Director General
Department of Mineral Resources and Energy
Private Bag X59
ARCADIA
0007

Email: Abednigo.Hlungwani@dmre.gov.za
[cc. Mamabefu.Modipa@dmre.gov.za](mailto:Mamabefu.Modipa@dmre.gov.za)
[cc. Lloyd.Ganta@dmre.gov.za](mailto:Lloyd.Ganta@dmre.gov.za)
Cc: NNR - gmoonsamy@nnr.co.za

Dear Adv. Mokoena,

QUERY REGARDING CIVIL SOCIETY REPRESENTATION ON NATIONAL NUCLEAR REGULATOR BOARD

1. The Organisation Undoing Tax Abuse, known as OUTA, is a Non-Profit Company incorporated in terms of the Companies Act, 2008, and has been approved as a public benefit organisation in terms of the Income Tax Act, 1972.
2. OUTA is funded by ordinary South Africans, as well as small and medium-sized local businesses who believe in and support its civil activism. The funders support OUTA's vision of an engaged and empowered civil society that ensures the responsible use of tax revenues throughout all levels of government.
3. OUTA's core aim is to ensure that tax revenue is expended in a frugal and lawful manner, unimpeded by the rising tide of the inappropriate use of state authority and power. OUTA's central aim is to promote public accountability, transparency, and good public governance. The mandate requires OUTA to investigate and challenge alleged corruption and other acts of poor governance.

ORGANISATION UNDOING TAX ABUSE NPC

Reg No.: 2012/064213/08

Directors: W Duvenage (CEO), Adv. S Fick

Non-Executive Directors: F Adam (Chair), P Majoji, W Modisapodi, LP Pauwen, T Pillay Van Graan, Dr H Volmink

Address: O'Keeffe & Swartz Building, 318 Oak Avenue, Randburg, Gauteng

Contacts: 087 170 0639 • info@outa.co.za • www.outa.co.za

4. OUTA is writing to request clarity regarding the process of appointing board members to the National Nuclear Regulator (NNR) and the representation by civil society.
5. According to section 8 (4) of the National Nuclear Regulator Act (Act 47 of 1999), the board appointed by the Minister, according to section 8 (4)(a) (iii) should consist of at least “one person representing communities, which may be affected by nuclear activities.”
6. According to section 7 of the NNR act,
 - a) The minister must through the media and by notice in the gazette invite nominations of persons as candidates for the relevant positions on the board;
 - b) A panel, appointed by the Minister, which may include representatives of the relevant committees of Parliament, must compile a shortlist of not more than 20 candidates from the persons so nominated;
 - c) the Minister must, from the shortlist so compiled and from other persons nominated as contemplated in paragraph (a), appoint persons to the relevant positions on the board; and
 - d) the Minister may, for a director appointed in terms of subsection (4)(a)(i) to (v), appoint a suitably qualified alternate director to act in the place of that director during his or her absence.
7. We note that a new board has been announced on 6 August 2020. Would it be possible to please clarify the following:
 - 7.1 When was the new board advert placed in the gazette and in the newspapers as envisaged in the Act?
 - 7.2 When was the panel envisaged in the act appointed, and who was on such a panel?

- 7.3 Which parliament committees, if any, were involved in the appointment process?
- 7.4 When did the term of the previous board end?
- 7.5 Kindly provide us with the details and contact details of the civil society representative appointed, and any alternative representative appointed and which affected community they represent?
8. We have attempted to obtain answers from the NNR and were referred to the DMRE. Given the seriousness of the nuclear governance, we would appreciate a prompt response.
9. Kindly acknowledge receipt of this letter.

Kind regards,



Liz McDaid

Project Manager: Energy Governance

Liz.mcdaid@outa.co.za