

ANNUAL REPORT 2021-22

OUTA
ORGANISATION UNDOING TAX ABUSE

delinquency
dishonesty extortion
crime deception
unauthorised expenditure
breach of trust
wrong
looting
dereliction
treason
forgery
fault
deceit abuse
atrocities
needs
racketeering
financial misconduct
offence
wrongdoing
payoff
skimming
fraud
sleaze
pilfer
transparency
bribe
misconduct exploitation
irregular expenditure
raft
racket misdemeanor
cadre deployment
unscrupulous



“And whereas the prevention and combating of corruption and related corrupt activities is a responsibility of all States requiring mutual cooperation, with the support and involvement of individuals and groups outside the public sector, such as organs of civil society and non-governmental and community-based organisations, if their efforts in this area are to be efficient and effective...”

From the Preamble to the Prevention and Combating of Corrupt Activities Act of 2004



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Accountability needs transparency

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THE OUTA CREDO

SOUTH AFRICA'S SOVEREIGNTY AND CONSTITUTIONAL
DEMOCRACY HAS BEEN HARD EARNED.

ITS BEAUTY AND ABUNDANCE OF NATURAL RESOURCES AND
DIVERSE CULTURAL HERITAGE IS PRECIOUS TO US.

Our potential for higher prosperity is immense, and limited only
by those in authority who consciously choose to abuse their
power, joined by those who stand by and choose not to take action.

Corruption and cronyism are the products of leadership
distracted by greed and matters of self-interest.

Silently and steadily, it carves away at our nation's soul.
It disempowers the poor of their rights and receipt of decent
education, employment, health, housing and security.

We, the people, society and business, have two choices:

We can look away and do nothing.

Or we can take action and halt the decay.

AT OUTA, WE CHOOSE TO TAKE ACTION.

We do so without fear, through a focused strategy and motivated
team that holds accountable those in authority who ignore their
responsibilities and run roughshod over our constitutional values.

OUTA

ORGANISATION UNDOING TAX ABUSE

Holding Government Accountable

www.outa.co.za

OUTA VISION, MISSION AND VALUES

VISION:

A prosperous country with an organised, engaged and empowered civil society that ensures responsible use of tax revenues throughout all levels of government.

MISSION:

Using clear and effective methodologies and project management processes, through multi-disciplinary high-performance teams, OUTA is a trusted vehicle for advocacy and positive change by:

Challenging and taking action against maladministration and corruption and, where possible, holding those personally responsible to account for their conduct and actions.

Challenging decisions, legislation and the regulatory environment as and when deemed as irrational, unfit or ineffective for their intended purpose.

Working with civil society and authorities in improving administration and service delivery, within all spheres of government.

VALUES:

Integrity, Resilience, Courage,
Tenacity, Humility, Inclusivity,
Accountability

OUTA CHAIRPERSON'S REPORT



WYNA MODISAPODI
OUTA CHAIRPERSON

And just like that, another financial year has passed. I'd like to commence by expressing my immense gratitude for the confidence and trust bestowed upon me by my fellow colleagues in electing me as the new Chairperson with effect from September 2021. I took over from our phenomenal former Chairperson, Dr Ferrial Adam, an effective social activist in her own right, who tirelessly champions human rights. OUTA is particularly fortunate as it will continue tapping Dr Adam's deep oasis of knowledge in the social development space in her advisory capacity in the recently established OUTA initiative, the Water Community Action Network (WaterCAN).

My appointment as the Chairperson was a harbinger of three new non-executive director appointments that followed in the latter part of 2021, resulting in the broader diversity of skills and competencies which will ensure that the Board continues to fulfil its mandate during the arduous path ahead, with the continuous turbulent economic winds. However, with the formidable Executive team, who tirelessly implement the OUTA strategy, I have no doubt that we'll forge ahead, not only in the midst of a world economic vortex, but political and social crises that continue to throttle the fabric of the South African society.

"We make a clarion call to all of society to become involved with matters of public accountability and participate in the process of ensuring that public funds are spent effectively and efficiently in the public interest."

Tsakani Maluleke, Auditor-General of South Africa, Audit Perspectives, 16 April 2021

Our country continues to be shrouded under the dark Covid-19 pandemic cloud, but to quote one of my favourite African literary forefathers, Ngũgĩ wa Thiong'o, "...the sun would soon rise to announce a new day..." (from his classic book, *Weep Not, Child*). However, the Covid tide is slowly turning and we bask in the slivers of sunshine that have been experienced already with the relaxation of the Disaster Management Act regulations, which will provide the much-required economic impetus.

Businesses big or small, across a myriad of sectors in the economy, had to chisel their strategies delicately, with much care and diligence, in order to stay relevant and afloat in the last two pandemic years. It is a pleasure to report that the Board, together with the management, developed separate strategies and value propositions for each business unit: the Accountability Division, Marketing and Communication, and Social Innovation.

It will be remiss of me if I do not give a special mention to two flagship projects that not only propel OUTA to the next level but the country as a whole, given the dire state of our infrastructure: firstly, the **Community Action Network** (CAN), which is a digital platform designed to empower local communities to become more organised, active, financially sustainable, stronger and more effective in addressing the challenges within their local municipalities; and, secondly, the **LINK App**. The LINK App is designed to serve two markets or

audiences: municipal residents, by providing them with an effective tool (app) to communicate with their municipality about service delivery maintenance problems; and the municipalities themselves, providing them with meaningful input from the public about service delivery and maintenance issues, including administrative solutions for operational management and reporting.

It is only through the generosity and unwavering support of our donors – the life blood of OUTA – that makes it possible for OUTA to continue being a formidable civil society organisation creating impactful projects. A significant portion of the 2022/23 financial year has been allocated to these key projects and I have no doubt of their success over time, which to some extent has been evident in the implementation of these platforms by a number of municipalities.

You'll also be encouraged that during the financial year 2021/22, OUTA continued to monitor vigilantly its risk management processes under the leadership of Advocate Simi Pillay-van Graan, the Chairperson of the Audit and Risk Committee, who brings with her not only her legal-eagle skills but also a wealth of risk management, corporate governance and strategy development skills. OUTA's solvency and liquidity remains strong as at the close of the 2021/22 financial year. Through the vigilance and prudence of our Audit and Risk Committee, financial management remains

under control and funding will continue to be channelled to our key flagship projects and making the necessary litigation provision.

Now that we have a fully fledged Board with diverse skills and competencies, the Board will continue to ensure that the rest of the Board sub-committees are comprised of members with the required skills to fulfil their mandate in line with the approved governance structure.

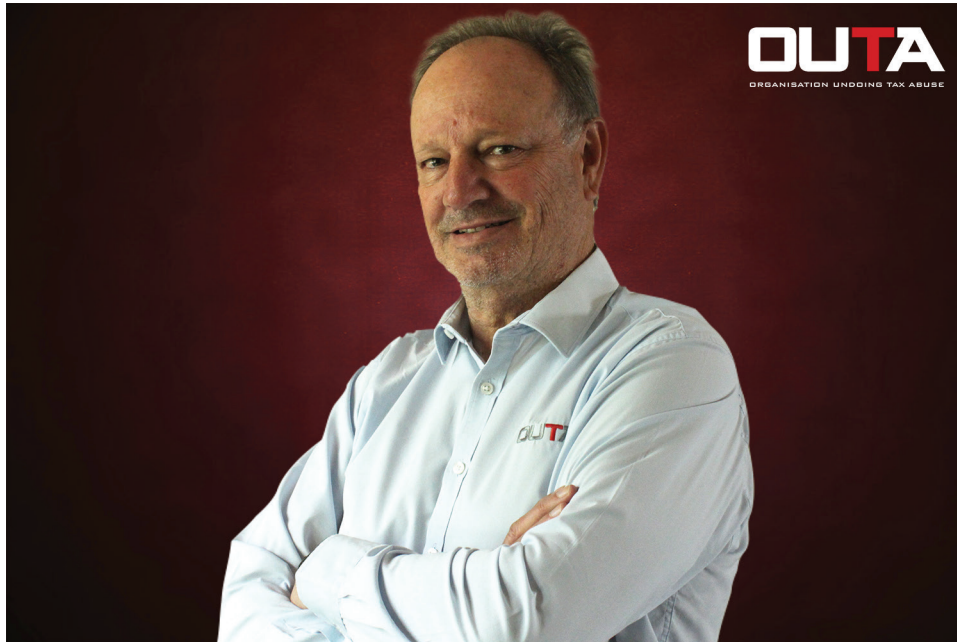
OUTA finished 2021/22 with a thunderous bang, with the win of the protracted Administrative Adjudication of Road Traffic Offences Act (AARTO) legal matter. A big thank you to the tireless and relentless efforts of our CEO, Wayne Duvenage, his Executive and the hardworking team of OUTA employees, who continue to live the OUTA values, particularly integrity, resilience, courage, tenacity and accountability that were brought to the fore during the AARTO matter, which also confirmed the old adage "... the wheels of justice turn slowly, but grind exceedingly fine..."

I leave you with Ngũgĩ wa Thiong'o's words from *Weep Not, Child*: "...hope of a better day was the only comfort he could give to a weeping child..."

On behalf of the rest of the Board, our deepest GRATITUDE to our loyal supporters from all walks of life and corners of the globe.

Ke a leboga (thank you).

OUTA CEO'S REPORT



WAYNE DUVENAGE
OUTA CEO

I am forever grateful for the energy and efforts of the entire OUTA team, who do excellent work and remain focussed on the job at hand, despite the trying conditions that come with challenging irrational government decisions and the countless incidents of corruption.

Throughout the second year of Covid-19 pandemic ups and downs, we maintained our supporter donation income on a level trajectory and contained our costs to ensure the organisation remained cash positive, as we stuck to our strategic intent of consolidating projects, focussing on the pertinent issues and developing new initiatives identified.

During the year, we opened 22 new projects and closed off 25, with 39 open projects carried over to the new financial year. While the projects we approve form the basis of OUTA's strategic intent, our work extends to many potential project evaluations, investigations, research, and responses to requests for input from media and society at large. The content of this year's annual report once again paints the vivid picture of another extremely busy year for the team of 43 staff at OUTA.

The past year saw the culmination of OUTA's legal action to halt the cumbersome and unconstitutional

“What is it about many government entities and departments which arrogantly believe that public information is theirs and theirs alone, despite the fact that their revenues come from the public purse, especially in relation to user-pays revenue streams? In many instances, this information is so clearly relevant and obviously of public interest, that it ought to be regularly updated and available on their websites.” Wayne Duvenage, *Transparency tussle: SANRAL secrecy indicates agency has something to hide*, 4 May 2021

Administrative Adjudication of Road Traffic Offences Act (AARTO) point system, the driver's licence demerit system. Our position on this matter, aside from its unconstitutionality, is that AARTO is a cumbersome and largely unworkable traffic infringement administration system that is doomed to fail, along similar grounds that the e-toll scheme failed. We had hoped that our court intervention would provide the Department of Transport with an opportunity to rethink its AARTO plans and to engage with civil society for a solution thereto, but alas, this was not to be.

Continued structural refinement

During the past year, we decided to further streamline our structure and amalgamated our Accountability Division with the Public Governance Division. This in turn incorporated our Cape Town-based Parliamentary Engagement Office into the new Accountability and Public Governance Division, giving rise to a closer

alignment and coordination of the work between these teams. Furthermore, this restructure helped to free up resources and focus on our "Social Innovation" initiatives of Community Action Network (CAN) and LINK, two exciting initiatives that have been developed over the past year.

As part of our CAN initiative, we have introduced WaterCAN, which seeks to introduce a nationwide platform, driven by a citizen-science approach that seeks to enable the timeous and accurate measurement of water quality in South Africa's rivers and reservoir (drinking water) systems. The overall purpose is to ensure high levels of transparency and sharing of this information to all stakeholders, for action and accountability purposes.

Another significant development for OUTA during the past year was our registration as a Section 18A public benefit organisation (PBO) with SARS, on 25 May

2021. This enables OUTA's donors to be issued with a Section 18A certificate and to claim their donations as a tax-deductible item in their annual tax returns.

State capture reports must be the catalyst for heightened action

The past year saw the culmination of the State Capture Commission's work and the publication of the first two of the series of final reports with powerful recommendations from Deputy Chief Justice Raymond Zondo. The final reports are being presented in the first half of 2022 and OUTA will focus on ensuring the effort and recommendations from the State Capture Commission do not gather dust.

While many feel the State Capture Commission was a costly waste of time, we believe otherwise, as this is a formal judicial commission that has cut through the speculation of media and civil society conjecture and opinions. The commission has obtained



significant and substantial input from all sides, weighed up the evidence, and is providing meaningful recommendations for action to the law-enforcement agencies, government, Parliament, civil society and other oversight entities.

Hope fades and frustration rises in a vacuum of accountability

The ineffectiveness of our criminal justice system plays a big role in the investment decisions made by individuals and businesses, impacting on our future prosperity as a nation. How we rise to the challenge and take a stand against lawlessness and corruption will weigh heavily on our ability to take this country forward.

Despite our understanding of the severe damage done to our criminal justice institutions during the Jacob Zuma era, there is little excuse for the lack of prosecutions that have transpired to date, following the evidence that has flowed from the State Capture Commission's work since 2017, along with the vast evidence of corruption and wrongdoing provided to the police by many civil society organisations and exposed by the media over the past decade.

The pace of accountability has been far too slow and lethargic, and society at large has hoped that after three years of a new National Prosecuting Authority administration, more charges and arrests of those implicated would have happened by now. It's not a case of nothing is being done, but rather far too little has been done for far too long.

A resilient and active civil society is required to drive necessary change

OUTA's culture of resilience is one that ensures we never give up, even if the pace of accountability and action by law enforcement is slow. Armed with our strong Constitution and driven by our vision of greater prosperity for our nation, we remain motivated and work hard to encourage active citizenry. We firmly believe that society's collective strength, when nurtured constructively, does have the ability to apply significant pressure for meaningful action and change, by those in authority.

The past year saw the introduction of the "Defend Our Democracy" (DOD) initiative – comprising of leaders across all sectors of civil society – to drive a coordinated civil activism effort and raise common concerns about the lack of accountability and action against the perpetrators of state capture. OUTA is an active member of the DOD initiative.

OUTA believes that as citizens and communities, we need to move away from complaining and allowing ourselves to wallow in despair and become more

actively involved in the solutions we seek. Thus, our decision to build collaborative platforms and networks of constructive solution-based activities, thereby ensuring that we do not become numb to the degradation, or tolerant of mediocrity and poor leadership.

Transparency and accountability are the enemies of corruption

Another year has passed with government's indecision on the e-toll debacle. It has also been a year in which the South African National Roads Agency has delayed in providing us with information we seek on the country's three major toll concession contracts and financials, a project that will see more court challenges unfolding in the quest for greater transparency in the coming year.

We've always maintained that transparency is the enemy of corruption, and OUTA will continue to work hard for greater transparency and accountability.

A big shout-out and thanks to all our supporters who continue to donate to OUTA and make our work possible.

Do you have corruption to report?

-  Go to the OUTA website - www.oua.co.za
-  Click on the Report Corruption page
-  Do you want to report corruption within a government institution or between the state and private-sector entities?
-  Click on the relevant button, where you will be redirected to OUTA's secure whistleblowing platform
-  Tell the OUTA Investigations Team about the corruption you want to report and include evidence in support
-  The Investigations Team will determine whether it aligns with OUTA's mandate and communicate with you via OUTA's secure whistleblowing platform
-  Your information will be treated with the utmost care and confidentiality



OUTA
ORGANISATION UNDER TAX ABUSE



GOVERNANCE AT OUTA AND HOW OUTA WORKS

During 2021/22 three additional non-executive directors were appointed at OUTA, to broaden the organisation's insights, skills and input. This will also enable a broader selection of people for rotation onto sub-committees in the coming years.

There are now eight non-executive directors on the board, including the Chairperson and the Vice-Chairperson, plus two executive directors. The executive directors also serve on OUTA's Executive committee (Exco), which is made up of six individuals and is chaired by the CEO.

The board has mandated three committees to oversee the execution of approved strategies and policies:

- Audit and Risk Committee (ARC): This is concerned with matters of governance, audit, finance, risk and a review of ethical governance, which is intrinsic to OUTA's work and identity.
- Remuneration Committee (Remco): This approves and assigns mandates of remuneration within the organisation's policy.
- Nominations Committee (Nomco): This committee comprises the Board Chairperson, the CEO and other members of the board who are approved at the AGM. Nomco is responsible for approval of new Board and sub-committee appointments. The organisation maintains a balance of more non-executive directors than executive directors.

The table (page 15) depicts the appointment and resignations of directors over the past year. Independent assurance providers are appointed to support our internal procedures and the board assesses its own performance. Board members receive fees in line with their time provided for board and sub-committee meetings.

Strategy review sessions are held annually, to ensure the organisation's work, structure and expenditure remains aligned with its strategic intent, mission and core values.

The CEO, in his overarching capacity, is supported by the Exco members who assist in managing the legal, financial, human resources, IT systems and operational aspects of OUTA's daily functions.

A genuine passion for the vision of OUTA is universal, not only across the board, but throughout the culture of the organisation.

“The majority of people in South Africa haven't experienced the democratic dividend yet. Service delivery failures have a lot to do with corruption. The looting must stop.”

#DefendOurDemocracy campaign, which includes OUTA, 28 March 2021

HOW OUTA WORKS

OUTA has structured our teams to carry out the work required to fulfil our mandate and strategy. As a non-profit organisation, we need to be effective in everything we set out to do, and this is achieved by employing the right people. This requires that we pay market-related salaries and introduce systems and technology to manage the organisation's work, be it project management, financial, HR or CRM systems, all of which need to be integrated and efficiently utilised.

OPERATIONAL DEPARTMENTS		
ACCOUNTABILITY & PUBLIC GOVERNANCE	<p>This team comprises two main areas of action against government: (1) Tackling maladministration, fraud and corruption, and (2) Challenging government policy and the regulatory environment that is irrational, unfit for purpose or ineffective.</p> <p>Where possible, this team holds individuals to account personally for their conduct and actions. Work includes research and engagements with and presentations to Parliament. The structure includes three departments or teams listed on the right.</p>	<p>Project Management: Project managers are assigned specific projects that have either been channeled to the organisation via the OUTA whistleblower platform, or identified through media and management. Project managers build cases or challenge the authorities by using OUTA's 5-step methodology and project management procedures.</p>
		<p>Investigations: This team receives and evaluates information from whistleblowers and other sources, ensuring that project managers have sufficient facts and evidence to advance their projects. This department makes use of confidential whistleblower platforms and has a significant role in helping OUTA to decide which projects to take on.</p>
		<p>Parliamentary Engagement Office: This team evaluates government decisions and policies – often gazetted information – or government processes that are onerous, cumbersome, inefficient, outdated or at odds with public interest. Much of this team's work involves research and submissions to Parliament, aimed at improving governance.</p>
SOCIAL INNOVATION	<p>OUTA's Social Innovation team explores new avenues to empower citizens and communities to become more active in driving improvements in service delivery and governance. The team develops platforms and tools that help communities and citizens to collaborate, engage and hold the authorities to account for poor service delivery. Using digital technology, and with a particular focus on local government, three platforms are currently being rolled out.</p>	<p>Community Action Network (CAN): CAN is a platform to assist organised communities to manage their membership communications, to enable them to become more proactive and constructive in their engagements with municipal management and ward councillors on governance and service delivery. The platform also helps communities to network and follow best practice when holding municipal councils to account.</p>
		<p>WaterCAN: This initiative aims to enable citizen participation in the measurement and reporting of water quality information throughout the country. By using a "citizen science" approach and empowering various water forums, the platforms are used to enable communities to record water quality information so it is available to all stakeholders.</p>
		<p>LINK: Link is a free application that enables residents to register infrastructure breakdown and maintenance issues on a platform which alerts their municipality directly. This app also provides a free backend platform to municipalities to make use of the information provided to them by their residents through the app and to report updates on the incident resolution to the residents and communities.</p>
COMMUNICATION & MARKETING	<p>OUTA places importance on the need for fast and effective communications to our various stakeholders, particularly the media and our supporters who donate to OUTA. This team implements OUTA's media, social media and communications strategy and assists the project managers to communicate project updates. This team also manages OUTA's marketing and advertising to broaden the organisation's supporter base. The Supporter Relations team handles all enquiries from OUTA's supporters.</p>	<p>Communication: Communication at OUTA focuses on two main areas: (1) Communicating with the general public through the media about developments in OUTA's cases and projects. (2) Communicating with our supporters. We use media statements, social media platforms, newsletters and our website to get our messages out there.</p>
		<p>Marketing: A non-profit organisation that relies on funding from supporters, OUTA markets the organisation to all sectors of society. Marketing is done through our digital platforms and through adverts.</p>
		<p>Supporter Relations: This team engages with our supporters and non-supporters, who request information from us on a range of topics. They assist supporters in updating their details within our debit-order payment systems and steer responses to queries on project developments to the right people in the organisation.</p>
SUPPORT TEAMS AND DEPARTMENTS		
BACK OFFICE	INFORMATION TECHNOLOGY & SYSTEMS	The IT and Systems Department ensures that OUTA's software and hardware systems meet our needs. This team works with developers on the functionality of our various digital platforms, including those being developed for OUTA's Social Innovation efforts.
	FINANCE	OUTA's Finance team manages our finances, integration of our payment platforms and the Section 18A certification for our supporters' tax claims.
	HUMAN RESOURCES	Human Resources is about our people and is a priority for OUTA. HR manages all staff matters, from recruitment to performance management and everything in between, and ensures that we maintain good labour practices and excellent governance standards.

OUTA BOARD AND EXCO MEMBERS

BOARD MEMBERS DURING 2021/22



Dr Ferrial Adam
(Non-Executive)



Wyna Modisapodi
(Non-Executive)



Phumlani Majozi
(Non-Executive)



Zwannda Mukwevho
(Non-Executive)



Simile Ndlovu
(Non-Executive)



Paul Pauwen
(Non-Executive)



Adv Simi Pillay-van Graan
(Non-Executive)



Thuto Skweyiya
(Non-Executive)



Dr Heinrich Volmink
(Non-Executive)



Wayne Duvenage
(Executive)



Adv Stefanie Fick
(Executive)

EXECUTIVE COMMITTEE MEMBERS DURING 2021/22



Wayne Duvenage



Kerry de Jonge



Adv Stefanie Fick



Julius Kleyhans



Greig Morrison



Samantha van Nispen

	BOARD OF DIRECTORS	AUDIT & RISK COMMITTEE	REMUNERATION COMMITTEE
Ferrial Adam*	Chairperson, Non-Executive Director		
Phumlani Majozi	Vice-Chair, Non-Executive Director		Chair
Adv Simi Pillay-van Graan	Non-Executive Director	Chair	Member
Wyna Modisapodi	Non-Executive Director**		
Paul Pauwen	Non-Executive Director	Member	Member
Wayne Duvenage	Director: Chief Executive Officer	Invitee	Invitee
Adv Stefanie Fick	Director: Accountability Division		
Zwannda Mukwevho***	Non-Executive Director		
Simile Ndlovu***	Non-Executive Director		
Thuto Skweyiya***	Non-Executive Director		
Dr Heinrich Volmink	Non-Executive Director	Member	

* Resigned 1 September 2021

** Chair from September 2021

***Appointed January 2022

DIRECTORS' ATTENDANCE AT BOARD MEETINGS: FINANCIAL YEAR 2021/22

DIRECTOR NAME	Date Appointed	Director Status*	5 May 2021	AGM 26 May 2021	30 June 2021	29 September 2021	26 January 2022
Ferrial Adam (Chairperson)	April 2017	NED	Yes	Yes	No	N/A – resigned 1 September 2021	
Wyna Modisapodi (Chairperson from 1 Sept 2021)	April 2018	NED	Yes	Yes	Yes	Yes	Yes
Phumlani Majozi (Vice-Chair)	March 2017	NED	Yes	Yes	Yes	Yes	Yes
Zwannda Mukwevho	January 2022	NED	N/A – Appointed 1 January 2022				Yes
Simile Ndlovu	January 2022	NED	N/A – Appointed 1 January 2022				Yes
Paul Pauwen	April 2012	NED	Yes	Yes	Yes	Yes	Yes
Adv Simi Pillay-van Graan	April 2018	NED	Yes	Yes	Yes	Yes	Yes
Thuto Skweyiya	January 2022	NED	N/A – Appointed 1 January 2022				Yes
Dr Heinrich Volmink	May 2019	NED	Yes	Yes	Yes	Yes	Yes
Wayne Duvenage	April 2012	ED	Yes	Yes	Yes	Yes	Yes
Adv Stefanie Fick	April 2018	ED	Yes	Yes	Yes	Yes	No

* NED = Non-Executive Director

ED = Executive Director

COMMITTEE ATTENDANCE: FINANCIAL YEAR 2021/22

	REMUNERATION COMMITTEE (ANNUAL)	AUDIT & RISK COMMITTEE (QUARTERLY)			
	15 Sept 2021	14 April 2021	23 June 2021	17 Sept 2021	12 January 2022
Ferrial Adam (Chairperson)	N/A	N/A	Present	*	*
Wyna Modisapodi (Chairperson from June 2021)	N/A	Present	N/A	N/A	N/A
Phumlani Majozi (Vice-Chair)	Absent	N/A	N/A	N/A	N/A
Paul Pauwen	Present	Present	Present	Present	Present
Adv Simi Pillay-van Graan	Present	Present	Present	Present	Present
Dr Heinrich Volmink	N/A	N/A	N/A	N/A	Present
Wayne Duvenage	Present	Present	Present	Present	Present

*Resigned 1 September 2021

N/A: Not applicable as not a member of this committee

OUTA ACTIONS

1 March 2021 –
28 February 2022

THE COST OF CORRUPTION

R1.5 trillion: Estimated lost to corruption 2014-2019 ⁽¹⁾

This is as much as a year's payments by taxpayers: **R1.598 trillion** in 2021/22 ⁽²⁾

This is how South Africa could have used that money:

Run up less government debt

R4.35 trillion: Gross government debt in 2021/22 ⁽³⁾

Paid off Eskom's debt

R392 billion: Gross Eskom debt as at 30 September 2021 ⁽⁴⁾

Sources:

(1) Unite 4 Mzansi: State Capture 101

(2) & (3) Budget Review, Budget 2022

(4) Eskom Group Interim Results for the six months ended 30 September 2021

OUTA
ORGANISATION UNDOING TAX ABUSE

MILESTONES:

OUTA submissions,
legal action and
interventions

3 March 2021:

OUTA exposes allegations of corruption against the South African National Roads Agency (SANRAL) e-toll operator Electronic Toll Collection (ETC). During 2020, OUTA received documents from a whistleblower which indicated that ETC paid South African company ProAsh R10 million over three years, starting three months after ETC won the e-toll contract, with no apparent work done in return. The whistleblower had reported this to ETC, its Austrian parent company Kapsch TrafficCom and the South African Police Service (SAPS), but no action was taken. A month after receiving the documents, with the consent of the whistleblower, OUTA submitted a report to ETC to encourage an investigation and to the National Prosecuting Authority (NPA). See more [here](#).

3 March 2021:

OUTA Hour, hosted by Tom London and broadcast on OUTA's Facebook page, focuses on e-tolls, including discussing the allegations of corruption against e-toll operator ETC and parent Kapsch TrafficCom, with OUTA's Wayne Duvenage, Rudie Heyneke, Advocate Stefanie Fick, Andrea Korff and Samantha van Nispen. OUTA Hour podcasts are available [here](#).

9 March 2021:

OUTA and 12 more civil society groups jointly announce our support for the State Capture Commission and call for former President Jacob Zuma to abide by the law and comply with the Commission's requirement to give evidence: "There can be no more harmful assault on this bedrock than that a former president, who has enjoyed every power and privilege under this law – and continues to enjoy the privileges of his former office – should insist that he be immune from the reach of the commission and of the Constitutional Court, and that this impunity stand unchecked." See more [here](#).

9 March 2021:

OUTA lays a complaint with the South African Institute of Chartered Accountants (SAICA) against Yakhe Kwinana, former South African Airways (SAA) director and former head of SAA's audit and risk committee. This is the second time OUTA has complained about Kwinana to SAICA: a complaint in May 2017 went nowhere. In January 2022,

SAICA said that OUTA's 2017 complaint was passed on to the Independent Regulatory Board for Auditors (IRBA) as she was an auditor; IRBA dismissed the complaint in 2018 and, in March 2021, told OUTA it would not reopen it as Kwinana ended her IRBA registration in September 2019.

13 March 2021:

OUTA engagement with the Milnerton Central Residents' Association, the City of Cape Town and the Western Cape Department of Environmental Affairs and Development Planning about the ongoing pollution of the Milnerton Lagoon and Diep River system. OUTA also filed a request to the City of Cape Town for information under the Promotion of Access to Information Act (PAIA), for documents relating to the Potsdam Wastewater Treatment Works (see [here](#)); this information was provided after an initial refusal.

15 March 2021:

OUTA participates in the German government's Deutsche Gesellschaft für Internationale Zusammenarbeit (GIZ) Transparency, Integrity and Accountability Programme (TIP) in South Africa.

16 March 2021:

OUTA applies to the Pretoria High Court to compel the Road Traffic Infringement Agency (RTIA) to provide OUTA with documents on the process followed by the RTIA to ensure that metro municipalities are ready to implement the updated Administrative Adjudication of Road Traffic Offences Act (AARTO) which at that time was due to take effect in mid-2021. RTIA refused OUTA's PAIA request for this information, citing confidentiality of third parties. The court papers are [here](#) and more on this issue is [here](#) and [here](#). On 22 September 2021, the RTIA provided OUTA with the information requested, and is due to pay OUTA's costs in the legal action.

17 March 2021:

OUTA exposes more on SANRAL contractor ETC and sub-contractor ProAsh, after OUTA received the e-toll contract between them through whistleblower information, showing that ETC signed an agreement to pay ProAsh R40 million in an e-toll related deal 10 days before SANRAL awarded ETC the collections contract.

"My duty, as I pen this judgment, is cloaked in the duty and loyalty that I owe to our Constitution and the rule of law that undergirds it. I find myself left with no option but to commit Mr Zuma to imprisonment in the hope that doing so sends an unequivocal message: in this, our constitutional dispensation, the rule of law and the administration of justice prevails."

Concourt Justice Sisi Khampepe, sentencing Jacob Zuma to 15 months' imprisonment for contempt of court, 29 June 2021

OUTA believes this is evidence of a kickback paid by ETC to secure the e-toll contract. OUTA provides ETC with a copy of this contract and an outline of our concerns, to encourage an investigation into this. See more [here](#).

17 March 2021:

OUTA Hour discusses the suggestion of a household levy replacing the television licence with OUTA's Thabile Zuma, an update on the inquiry into the Public Protector with OUTA's Adv Stefanie Fick, and the corruption allegations against e-toll contractors ETC and Kapsch TrafficCom, with OUTA's Rudie Heyneke.

18 March 2021:

A broad group of civil society organisations, including OUTA, launch the "Defend Our Democracy" campaign, to oppose attacks by individuals – particularly those accused of being state capture culprits – on the judiciary, the Constitution and democratic institutions. From the joint statement: "Our people fought for and chose constitutional democracy as a bulwark against fascism and dictatorship. The way in which the people's democracy is being subverted by this purposeful cartel undermining good governance, eroding accountability and promoting misrule, points to how those who subvert it will govern South Africa should they succeed. After a century of struggle for liberty, South Africa cannot return to the totalitarian order that brought such misery and suffering to its people." The launch statement is [here](#).

19 March 2021:

OUTA writes to the National Energy Regulator of South Africa (NERSA), calling for an extension of the deadline for consultation on NERSA's electricity division's strategic planning, and for more realistic consultation periods on other electricity pricing matters. The letter is [here](#).

24 March 2021:

OUTA Hour discusses the practical challenges of AARTO with OUTA's Brendan Slade, NERSA and public consultation with OUTA's Liz McDaid, and the importance of protests with OUTA's Ali Gule.

31 March 2021:

OUTA Hour discusses the #DefendOurDemocracy campaign with Dr Saths Cooper, and law enforcement, state capture and e-tolls, with OUTA's Rudie Heyneke and Wayne Duvenage.

7 April 2021:

OUTA Hour discusses SAA with SAA Pilots' Association chair Grant Back, aviation expert Linden Birns and OUTA's Julius Kleynhans: why pilots are striking, is SAA financially viable, and why OUTA believes we should boycott SAA.

9 April 2021:

The Supreme Court of Appeal dismisses former SAA chair Dudu Myeni's application for leave to appeal against the May 2020 judgment which declared her a delinquent director for life. The delinquency application was brought against Myeni by OUTA and the SAA Pilots' Association. The SCA judgment is [here](#).

Electoral Reform:

Why does it matter to the public?

HOST	SPEAKER	SPEAKER	SPEAKER
			
Rachel Fischer <i>Research & Ethics Specialist</i> OUTA	Mudzuli Rakhivhane <i>Community Advocacy Activist</i> ONE South Africa	Ebrahim Fakir <i>Director of Programmes</i> ASRI	Zarina Prasad <i>Director</i> Africa School of Governance

WEBINAR

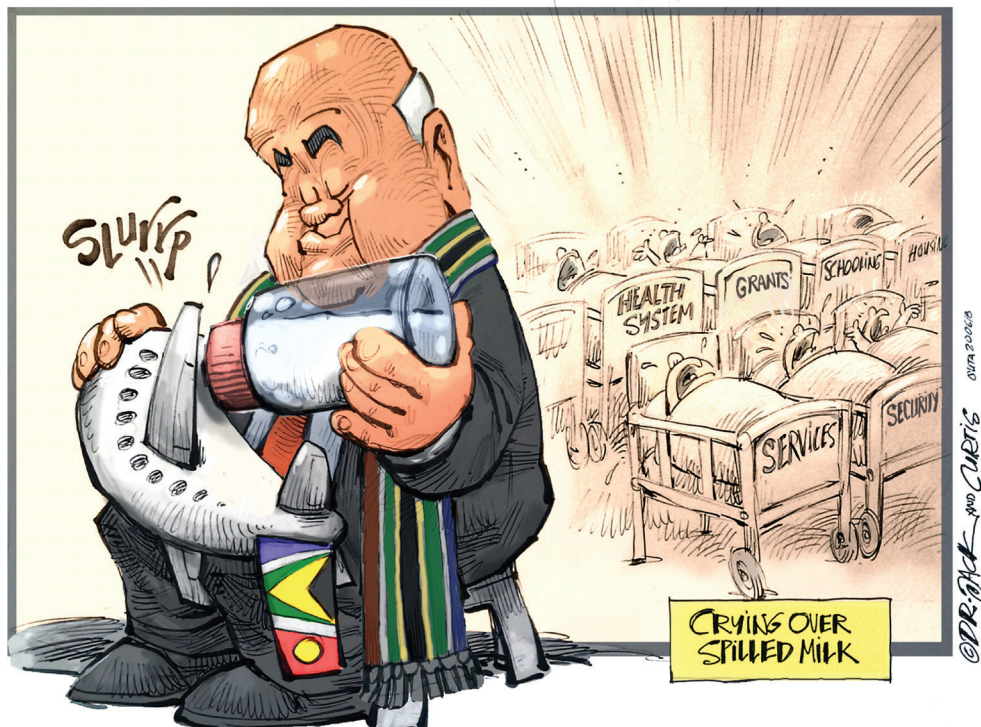


Wednesday 13 April
12:00 - 13:00
Via Zoom

www.outa.co.za

OUTA for Lunch
Change Leadership Discussions

OUTA
ORGANISATION UNDOING TAX ABUSE



12 April 2021:

OUTA provides the NPA with a detailed report on money flows linked to Transnet's contract with the China state-owned locomotive manufacturer CRRC and the Gupta-linked Regiments company.

13 April 2021:

OUTA attends a meeting of the Local Government Anti-Corruption Forum, to assist government in efforts to combat corruption.

14 April 2021:

OUTA CEO Wayne Duvénage attends the SAICA and Auditor-General of South Africa (AGSA) webinar on the AGSA's 2019/20 Public Finance Management Act Outcomes and Covid-19 Special Report Session.

14 April 2021:

OUTA Hour on the fuel price increase, AARTO and the effect on e-tolls, with OUTA's Wayne Duvénage, Adv Stefanie Fick and Andrea Korff.

19 & 20 April 2021:

OUTA's Adv Stefanie Fick attends the Department of Planning, Monitoring and Evaluation meetings on Covid-19 corruption mitigation and risk.

21 April 2021:

OUTA Hour discusses the crisis at the Road Accident Fund with OUTA's Wayne Duvénage, the Automobile Association's Layton Beard and journalist Angus Begg, plus the Milnerton Lagoon pollution and upcoming Earth Day protest.

21 April 2021:

Cabinet approved the appointment of Koeberg Alert Alliance's Peter Becker to the board of the National Nuclear Regulator, as the civil society representative. OUTA had lobbied for the legally required civil society representative to be appointed to the board, and supported Becker's appointment.

28 April 2021:

OUTA CEO Wayne Duvénage takes part in a panel discussion on road maintenance on Business Day TV.

28 April 2021:

OUTA Hour discusses local government elections, Jacob Zuma's legal woes, television licences and toll concessionaires, with OUTA's Julius Kleynhans, Adv Stefanie Fick and Brendan Slade.

29 April 2021:

OUTA writes to Minister of Public Service and Administration, Senzo Mchunu, calling for him to stand his ground on freezing public service wages. This was in response to a call from the Minister for civil society comment on this issue. See more [here](#).

30 April 2021:

OUTA submission to the State Capture Commission on the failure by organisations and entities with the responsibility to act decisively against corruption – investigating, prosecuting or running disciplinary processes – to do this. This includes the SAPS and private regulatory bodies. This submission notes that the SAPS and/or Hawks failed to investigate 20 criminal complaints,

mainly connected to state capture, which OUTA opened at eight police stations since 2016. “We regard this as a pattern of failed investigation and prosecution, pointing to an endemic incompetence in the SAPS and/or Hawks, with a suggestion of high-level manipulation and collusion in criminal investigations,” says the submission. This submission, *Crossing the red line: The failure to investigate and prosecute*, is [here](#).

5 May 2021:

OUTA is in the Pretoria High Court to challenge SANRAL’s refusal to comply with a PAIA request to provide information on the toll concessionaire N3 Toll Concession (N3TC). This followed two years of failed attempts to get the information. OUTA asked for the annexures to the toll concession contracts and the complete financial statements of the toll concessionaire since 1999. At the last minute SANRAL decided to oppose the case, delaying it. The court ordered SANRAL to pay OUTA’s wasted costs and gave SANRAL a deadline for filing papers. See more [here](#) and [here](#).

5 May 2021:

OUTA Hour discusses the public service wage bill, toll concessionaires and the City of Johannesburg’s plan to charge prepaid electricity users a monthly levy, with OUTA’s Wayne Duvenage and Brendan Slade.

6 May 2021:

OUTA submits comments on the draft Public Service Amendment Bill and draft Public Service Administration Management Amendment Bill to the Department of Public Service and Administration. See [here](#).

8 May 2021:

Submissions to the City of Johannesburg, opposing the proposed monthly charges for prepaid domestic and business electricity tariffs (see [here](#)) and the proposed new R50 a month recycling levy (see [here](#)). The City subsequently dropped the recycling levy (see [here](#)) and the prepaid levy (see [here](#)).

12 May 2021:

OUTA Hour on the long wait for the Cabinet’s decision on the future of e-tolls, the City of Johannesburg’s plan to charge households a R50 levy for recycling, and the Karpowerships which may get controversial 20-year “emergency” power contracts that could cost R200 billion.

13 May 2021:

OUTA writes to Cedrick Frolick, the chair of the National Assembly committees, asking for intervention to get a response from the Portfolio Committee on Human Settlements, Water and Sanitation, regarding the request in October 2020 by OUTA and Water South Africa to meet the portfolio committee to discuss our call for an Independent Water Regulator. This letter is [here](#).

19 May 2021:

OUTA Hour discusses AARTO, the budget cuts to the Special Investigating Unit and the NPA, and driver’s licence renewals, with OUTA’s Dominique Msibi, Brendan Slade and Adv Stefanie Fick.



“Between September 2016 and July 2020, OUTA submitted a total of 20 criminal complaints to the SAPS. The criminal complaints were filed at eight different police stations. Some of these complaints were referred to the DPCI (the Hawks). Most of these complaints relate directly to state capture allegations, while others relate to abuse of power, corruption or maladministration. We regard the SAPS failure to investigate any of them to be in itself an aspect of state capture.”

***Crossing the red line: The failure to investigate and prosecute.* OUTA submission to the Commission of Inquiry into State Capture, 30 April 2021**

Another corrupt government contract at the expense of the taxpayer

2017



Services SETA awards contract worth R162.669 million to Grayson Reed to manage learners' stipend payments

2018



Whistleblowers tell OUTA they have not received their stipends for months. OUTA discovers "Grayson Reed" is a fake name, used as a front for a business registered under a different name

2019



OUTA PAIA Application: OUTA requests a list of 18 specified documents relating to the tender and contract, but the SETA provides only four items and refuses to provide the rest

2019



OUTA files court application challenging the refusal, which Services SETA opposes

2021



High Court orders Services SETA to hand over requested documents to OUTA

Why all the secrecy Services SETA? We demand transparency!

OUTA
ORGANISATION UNDOING TAX ABUSE

21 May 2021:

OUTA makes submissions commenting on Budget 2021's Appropriation Bill and opposing the Special Appropriation Bill (which moves part of SAA's bailout to subsidiaries SAA Technical, Mango and Air Chefs) to the Standing Committee on Appropriations. The Appropriation Bill submission includes pointing out that taxpayers indirectly fund political parties through transfers from Parliament of R375 million in 2020/21 in "constituency support". The committee report picked up on our recommendations in a limited way, but MPs were receptive. See more [here](#). The Appropriation Bill submission is [here](#), the Special Appropriation Bill submission is [here](#), and more information on the Special Appropriation submission is [here](#).

25 May 2021:

OUTA makes a referral to the NPA in terms of section 27 of the NPA Act on the procurement of 277 laptops for R4.579 million by the office of the then Premier of the Free State, Ace Magashule, from a Gupta-linked business. The procurement process was not followed, and there is no certainty that the laptops were delivered. Section 27 of the NPA Act allows the reporting directly to the NPA of certain serious crimes including state capture. See more [here](#) and the referral affidavit [here](#).

25 May 2021:

OUTA is registered with the South African Revenue Service (SARS) as a public benefit organisation in terms of section 18A of the Income Tax Act, which enables

OUTA's donors to claim their donations as tax-deductible.

26 May 2021:

OUTA Hour discusses the State Capture Commission, suspended ANC secretary-general Ace Magashule and Jacob Zuma's trial with OUTA's Wayne Duvenage, Rudie Heyneke and Asavela Kakaza.

28 May 2021:

OUTA's Adv Stefanie Fick presents OUTA's comments on the Special Appropriation Bill to the Standing Committee on Appropriations.

31 May 2021:

Parliament's Portfolio Committee on Human Settlements, Water and Sanitation finally responds to OUTA's request of October 2020 to raise the issue of the establishment of an Independent Water Regulator. The committee chair states that such a regulator is long overdue, and invites OUTA to provide further information, which OUTA does. For more see [here](#).

31 May 2021:

OUTA podcast interviewing Bain whistleblower Athol Williams, about how Bain enabled state capture at SARS. The OUTA podcasts are [here](#).

1 June 2021:

OUTA runs a survey through social media, which eventually has 3 685 respondents, about frustrations with the driver's licence card renewal system. A total of 65% respondents reported frustration with the ineffectiveness of the online booking system. More than 10% said they had witnessed bribery, about 45% referred to "poor staff attitude" and 60% complained about long queues. During 2022, OUTA uses this as part of the motivation

to the Ministry of Transport to extend the validity of the licence cards from five years to 10 years. See more [here](#) and [here](#).

2 June 2021:

OUTA Hour discusses the Jacob Zuma corruption trial, the Cabinet's failure to finalise the e-tolls issue and the Ekurhuleni valuation roll, with OUTA's Wayne Duvenage, Adv Stefanie Fick and Brendan Slade, and the Residents' Action Group Bedfordview chair Marina Constas.

3 June 2021:

OUTA alerts Ekurhuleni metro ratepayers to the metro's updated valuation roll, the allegations of massive increases in valuations – and thus rates – and explains how to object. See more [here](#) and [here](#).

8 June 2021:

OUTA is in the Johannesburg High Court against the Services Sector Education and Training Authority (Services SETA), challenging the SETA's refusal since January 2019 to release information on a contract with Grayson Reed. Since 2018, OUTA has held that this contract is corrupt and that the funds were not spent as claimed. Judgment was reserved. See more [here](#).

17 June 2021:

OUTA writes to the Ekurhuleni municipal manager, noting the significant problems reported with the valuation roll and calling for the metro to reassess its standard method of processing objections; see the letter [here](#) and OUTA's advice to Ekurhuleni ratepayers on this [here](#). There was no response from Ekurhuleni. OUTA receives an influx of queries from supporters, and guides the public on what to do.



“OUTA has filed various applications for information to state entities in terms of the Promotion of Access to Information Act (PAIA). However, OUTA has found that PAIA has become a form of arbitrary abuse by state-owned institutions. In almost all circumstances we revert to court as we hit a brick wall. This brick wall is usually the result of either the SOE frivolously quoting sections of PAIA to refuse access to information, or simply ignoring the process.”

Crossing the red line: The failure to investigate and prosecute. OUTA submission to the Commission of Inquiry into State Capture, 30 April 2021



22 June 2021:

OUTA and other civil society organisations write to the Speaker of Parliament, calling for an investigation and public hearings on the Risk Mitigation Independent Power Producer Procurement Programme energy projects, particularly the Karpowership bids, pointing out that such deals have impacts for future generations and the environment. The letter is [here](#) and more on this is [here](#).

23 June 2021:

OUTA Hour discusses the Services SETA's refusal to provide records, the impending AARTO start deadline, and municipal valuations in Ekurhuleni, with OUTA's Asavela Kakaza, Adv Stefanie Fick and Brendan Slade.

25 June 2021:

In OUTA's legal action against SANRAL in connection with a refused PAIA request for the toll concession contract with Bakwena Platinum Corridor Concessionaire for the N4, Bakwena applies to join the proceedings. OUTA's PAIA application was in June 2020. This matter will be heard in court only in April-May 2022. More on this [here](#).

30 June 2021:

OUTA Hour discusses the Constitutional Court ruling sentencing Jacob Zuma to jail, the promise of deregulation of licencing for own-generated energy and the decommissioned Nasrec field hospital, with OUTA's Wayne Duvénage, Adv Stefanie Fick, energy expert Chris Yelland and entrepreneur Vusi Thembekwayo.

6 July 2021:

OUTA podcast interviewing former SAA group treasurer Cynthia Stimpel, on how she lost her job after blowing the whistle on corruption at SAA. OUTA podcasts are [here](#).

7 July 2021:

OUTA writes to the Road Traffic Infringement Agency, raising concern about the agency misleading the public about their right to approach a court to challenge infringement notices. The letter is [here](#).

7 July 2021:

OUTA Hour discusses embedded generation of electricity, the failure to start AARTO, and the wait for Jacob Zuma to go to jail, with OUTA's Liz McDaid, Andrea Korff and Adv Stefanie Fick.

14 July 2021:

OUTA Hour discusses the jailing of Jacob Zuma and the related recent violence and looting, with OUTA's Wayne Duvénage and Adv Stefanie Fick, and Freedom Under Law's CEO Nicole Fritz.

21 July 2021:

OUTA Hour discusses Ekurhuleni valuations with OUTA's Brendan Slade and Residents' Action Group Bedfordview chair Marina Constatas, Cynthia Stimpel talks about blowing the whistle at SAA, and OUTA's Liz McDaid and Chris Scholtz talk about the parliamentary recess and whether MPs do the constituency work that Parliament funds.

23 July 2021:

As part of OUTA's campaign to hold the City of Cape Town to account over the pollution of the Milnerton Lagoon, OUTA writes to the Western Cape's Directorate of Environmental Law Enforcement (the provincial Green Scorpions) and the national Department of Water and Sanitation calling for action against the City of Cape Town, regarding the City's failure to comply with the directive on water quality issued by the Green Scorpions in October 2020 (and amended in January 2021). The directive was issued after OUTA campaigned since early

2020 to get the authorities to act against the City over the pollution, taking water samples and engaging with the Western Cape and City authorities. More about the campaign and links to the letters are [here](#).

26 July 2021:

OUTA and other civil society organisations in the Civil Society Working Group on State Capture make a national call on state institutions to hold to account individuals and groups instrumental in instigating violence and looting following the jailing of Jacob Zuma on contempt of court charges. The group also publishes a list of 101 individuals and organisations either allegedly complicit in state capture or who have information which could help challenge state capture networks, which was sent to the State Capture Commission in 2020. See more [here](#).



27 July 2021:

OUTA CEO Wayne Duvenage attends the AGSA virtual stakeholder engagement session on the 2019/20 audit outcomes.

28 July 2021:

OUTA points out that Parliament transfers R339 million a year directly to political parties, most of this to fund “constituency work” and constituency offices, and gives MPs months of recess time to do constituency work, but there’s no oversight of this and little to show for it. See more [here](#).

28 July 2021:

OUTA Hour discusses political interference in the aviation industry and investigations into the National Lotteries Commission, with OUTA’s Wayne Duvenage and Brendan Slade, transport economist Joachim Vermooten, and GroundUp journalists Nathan Geffen and Raymond Joseph.

29 July 2022:

OUTA and the ratepayers’ and residents’ associations in Milnerton again call for clarity on what the City of Cape Town is doing to reduce sewage pollution in the Diep River estuary and Milnerton Lagoon, and what the provincial and national authorities are doing to ensure the City’s compliance. This campaign runs through the year, with OUTA commissioning a series of water quality reports and writing to various authorities regularly through the year. More on this campaign is [here](#).

30 July 2021:

OUTA makes a submission to the National Nuclear Regulator, opposing Eskom’s application for a nuclear installation site licence for Thyspunt in the Eastern Cape, saying the application lacks crucial information needed for public comment and that government has not produced a feasibility study for a new nuclear power plant. The submission is [here](#), the annexure is [here](#) and a summary is [here](#).

4 August 2021:

OUTA’s Adv Stefanie Fick meets with the Civil Forum for Asset Recovery (CiFAR), a global civil society organisation fighting the theft of state assets.

4 August 2021:

OUTA Hour celebrates Women’s Month with investigative journalists Tabelo Timse, Pauli van Wyk and Sally Evans, and OUTA’s Adv Stefanie Fick.



5 August 2021:

OUTA engagement with the Milnerton Central Residents' Association, the City of Cape Town and the Western Cape Department of Environmental Affairs and Development Planning about the ongoing pollution of the Milnerton Lagoon and Diep River system.

11 August 2021:

OUTA Hour discusses Milnerton Lagoon pollution with OUTA's Andrea Korff and the Milnerton Central Residents' Association's Caroline Marx, and Karpowership's submission to NERSA and Minister Gwede Mantashe's missed deadline on deregulating embedded generation with OUTA's energy advisors Liz McDaid and Chris Yelland.

11 August 2021:

OUTA CEO Wayne Duvenage makes a presentation about OUTA's new projects on local government to the Local Government Anti-Corruption Forum meeting.

13 August 2021:

OUTA makes a submission to NERSA, opposing the applications by Karpowership for generation licences for floating power plants at Richards Bay, Coega and Saldanha Bay. The submission is [here](#) and the summary is [here](#).

18 August 2021:

OUTA Hour discusses the Independent Water Regulator, the Public Protector and the State Capture Commission, with OUTA's Wayne Duvenage, Julius Kleyhans, Adv Stefanie Fick and Asavela Kakaza.



23 August 2021:

OUTA calls on Minister of Transport Fikile Mbalula to extend the deadline for renewal of driving licences that expired between 26 March and 31 December 2020, due to the department's limited service during that period and ongoing administrative chaos. This is a campaign that continues into 2022. See more [here](#).

24 August 2021:

OUTA makes a submission to the Department of Communications and Digital Technologies on the South African Broadcasting Corporation SOC Ltd Bill, pointing out the failure of the television licence system and calling for regular state funding for the SABC due to its value as a public broadcaster. The submission is [here](#) and a summary is [here](#).

26 August 2021:

OUTA Hour discusses the driving licence renewal deadline with OUTA's Wayne Duvenage, Parliament's new Speaker with OUTA's Matt Johnston, the Karpowership battle with OUTA energy advisor Chris Yelland, and the Thyspunt new nuclear site licence with OUTA's Liz McDaid.

1 September 2021:

OUTA Hour discusses whistleblowing with former AmaBhungane journalist Stefaans Brummer and OUTA's Schalk Schutz and Adv Stefanie Fick.

3 September 2021:

OUTA's Adv Stefanie Fick attends an African Criminal Justice Reform webinar on expanding the prosecution of neglected crimes to appropriate state entities.

7 September 2021:

The Pretoria High Court orders the Public Protector to provide OUTA with records requested from the Public Protector's investigation which exonerated former Mpumalanga Premier David Mabuza (now Deputy President) of procurement irregularities on the purchase of four official vehicles for him. The court order is [here](#) and more information is [here](#). This case arose from OUTA's PAIA application in April 2019 requesting the documents from the Public Protector and the Public Protector's refusal in October 2019. After the court order, the Public Protector provided OUTA with some of the documents and, on 22 October, the Public Protector's Office filed an affidavit in the high court (see [here](#)) explaining that the documents could not be found, and alluded to the fact that the Public Protector's report on Mabuza had been set aside by the high court.

7 September 2021:

OUTA criticises the Department of Transport's proposal – contained in the draft Road Traffic Management Corporation (RTMC) Regulations 2021 – to charge motorists R250 to make an online booking for a slot in the queue to renew a driving licence, in addition to the transaction fees. The RTMC draft regulations of 3 September are [here](#), OUTA's letter to the RTMC and Minister of Transport Fikile Mbalula on 9 September querying aspects of the draft regulations is [here](#), and more on this issue is [here](#) and [here](#). The department subsequently issued revised draft regulations for comment.

7 September 2021:

OUTA attends a virtual stakeholder consultation hosted by Genesis Analytics. OUTA presents its concerns

with the current legislation on proactive funding and general governance issues within the National Lotteries Commission.

8 September 2021:

OUTA Hour discusses Eskom's annual report for 2020/21 with energy expert Chris Yelland, Jacob Zuma's medical parole with OUTA's Adv Stefanie Fick, OUTA's court win against the Public Protector in a fight over access to documents with OUTA's Asavela Kakaza, and the proposed increases for driving licence fees with OUTA's Wayne Duvenage.

13-15 September 2021:

September 2021: OUTA's Adv Stefanie Fick attends the International Summit on Sustainable Development Goals.

14 September 2021:

OUTA sends a request for information in terms of PAIA to the Secretary to Parliament, asking for all political party financial records held by Parliament which relate to the spending of the political party allowances transferred to political parties represented in Parliament, for the years 2008/09 to 2021/22. The PAIA request is [here](#). Parliament subsequently provided the records for 2014/15 to 2020/21 (only partial records for 2020/21 as some parties had not filed these), and said that earlier records were not available. These reports are being assessed.

15 September 2021:

OUTA provides the NPA with a detailed report on money flows linked to China state-owned locomotive manufacturer CRRC through HSBC bank, arising from the CRRC contract with Transnet.

15 September 2021:

OUTA Hour discusses concerns over the new Speaker of Parliament, OUTA's legal costs order against Dudu Myeni who is evading the sheriff to avoid paying, and why the bank account of Chinese locomotive manufacturer CRRC is frozen. On air were OUTA's Matt Johnston, Adv Stefanie Fick and Rudie Heyneke, and lawyer Andri Jennings, who acted for OUTA in the case against Myeni.

“The AARTO and Amendment Acts unlawfully intrude upon the exclusive executive and legislative competence of the local and provincial governments, respectively, and as such the two Acts are unconstitutional.”

Judge Annali Basson, Pretoria High Court, 13 January 2022, judgment in OUTA vs Minister of Transport and others over the constitutionality of the Administrative Adjudication of Road Traffic Offences Act (32097/2020)



17 September 2021:

OUTA’s Adv Stefanie Fick attends The Ethics Institute’s symposium on ethical leadership.

20 September 2021:

OUTA submits comments to the Department of Mineral Resources and Energy on the draft National Nuclear Regulator Amendment Bill, recommending the strengthening of the regulator in line with international standards. OUTA also emphasised the need for transparency, in the light of SA’s history of nuclear industry secrecy and nuclear waste legacy. The submission is [here](#) and a summary is [here](#).

20 September 2021:

OUTA CEO Wayne Duvenage makes a presentation at the South African Institute of Taxation’s Tax Indaba.

22 September 2021:

OUTA makes a presentation on the SABC Bill at the public hearings held by Parliament’s Portfolio Committee on Communication and Digital Technologies, based on OUTA’s submission of 24 August. OUTA recommends that if television licences are retained, they should be treated as a tax, but also calls for a regular state grant to fund the public broadcaster in the interests of democracy. An overview of OUTA’s submission is [here](#), the presentation is [here](#) and the additional comment as requested by the committee is [here](#).

22 September 2021:

OUTA Hour discusses how to fund the SABC, the ongoing

failure to scrap e-tolls, and why transparency is crucial in the decisions on building nuclear power and buying electricity from Karpowerships. On air were OUTA’s Adv Stefanie Fick and Brendan Slade.

27 September 2021:

OUTA submits a request for documents to Eskom in terms of PAIA. Documents requested relate to the extension of the life of Koeberg nuclear power station beyond 2023, including the legal permissions and the build contracts. The list of documents requested is [here](#). This matter is continuing.

29 September 2021:

OUTA publishes a detailed reminder of how state capture accused Kuben Moodley fits into the state capture network, following his arrest at the airport as he was about to leave for Dubai. Some of this information OUTA had supplied to the National Prosecuting Authority in September 2020. See [here](#).

29 September 2021:

OUTA Hour focuses on International Access to Information Day, with discussions on OUTA’s attempts to get information on toll concessionaires and on a Services SETA contract, with OUTA’s Adv Stefanie Fick, Brendan Slade and Andrea van Heerden.

1 October 2021:

OUTA makes a submission to the Department of Transport on the revised draft RTMC Regulations 2021, criticising the fee structure and calling for it to be easier



for motorists to renew driving licences; this submission is [here](#). On 8 October 2021, the department published revised regulations, removing the most controversial fee (for booking a slot in the queue); see [here](#).

6 October 2021:

OUTA Hour discusses the state of politics with OUTA's Matt Johnston, the recent arrest of Kuben Moodley on state capture allegations with OUTA's Rudie Heyneke, and OUTA's upcoming legal challenge to AARTO with OUTA's Adv Stefanie Fick and Andrea van Heerden.

13 October 2021:

OUTA Hour discusses nominees for the position of Chief Justice, OUTA's upcoming legal challenge to AARTO, and the R1.4 billion a year that represented political parties get from public funds, with OUTA's Adv Stefanie Fick, Andrea van Heerden, Christopher Scholtz and Matt Johnston.

14 October 2021:

OUTA exposes how taxpayers have paid R13.882 billion directly to political parties in the 13 years since 2009, which is eight times more than the widely known funding through the constitutionally authorised Represented Political Party Fund, and which helps the parties to retain their seats. OUTA's report, *Holding onto power*, is [here](#), the spreadsheet is [here](#) and the summary is [here](#).

18 October 2021:

OUTA's legal challenge to the constitutionality of the AARTO law is heard in the Pretoria High Court. OUTA's case is against the Minister of Transport, currently Fikile Mbalula, the Minister of Cooperative Governance and Traditional Affairs, currently Nkosazana Dlamini-Zuma, the Road Traffic Infringement Agency (RTIA) and the

RTIA Appeals Tribunal. The Minister of Transport and the RTIA are opposing it. The case was filed in July 2020 and has taken more than a year to get to the hearing. OUTA supports road safety and effective traffic legislation, but does not believe that the AARTO Amendment Act will achieve this. More on this case, including the court papers, is [here](#).

18 October 2021:

OUTA makes a submission to the President's Nominations Panel for the new Chief Justice of the Constitutional Court, objecting to the nominations of Advocate Busisiwe Mkhwebane and Judge John Hlophe for the position. A summary is [here](#), and OUTA's letters of objection are [here](#) and [here](#).

19 October 2021:

OUTA calls on the City of Cape Town to make its water quality reports publicly available, after OUTA received complaints that the City insisted that organisations and individuals sign non-disclosure agreements or terms of use agreements before getting reports on Milnerton Lagoon. See [here](#). A month later, the City released the reports; see [here](#).

20 October 2021:

OUTA for Lunch webinar: OUTA webinar on local elections and what to do if you don't know who to vote for, with OUTA's Wayne Duvenage, political economist Mandla Isaacs, radio host Khaya Sithole and businessman and activist Nhlanhla Lux. Catch up on it [here](#).

20 October 2021:

OUTA Hour discusses the constitutional challenge against AARTO which was in court this week, the bungles by the Ministry of Transport including an e-tolls update, and the

upcoming local government elections, with OUTA's Adv Stefanie Fick, Andrea van Heerden and Wayne Duvenage.

22 October 2021:

OUTA makes a submission to NERSA on its consultation paper on a new electricity price methodology. OUTA's submission agreed that the methodology needs updating, but called for a more thoughtful, inclusive and longer public consultation process. A summary is [here](#) and the submission is [here](#).

3 November 2021:

OUTA Hour discusses the elections and loadshedding with OUTA's Wayne Duvenage, businessman and activist Nhlanhla Lux and energy expert Chris Yelland, and OUTA's upcoming book, *Permitted Plundering: How Parliament failed SA*, on how Parliament helped state capture with the author, OUTA's Ilse Salzwedel.

4 November 2021:

Johannesburg High Court orders the Services SETA to provide OUTA with information on the controversial R163 million contract which OUTA investigated. OUTA asked for the information in January 2019, in a PAIA request, but the SETA had refused. "Our Constitutional values require that public bodies be transparent, and that transparency in turn equates to public confidence

on how the public funds are managed," said the judge. The court order which OUTA won is [here](#) and more about the matter is [here](#).

5 November 2021:

OUTA submits further comments on the revised RTMC regulations. This submission is [here](#).

5 November 2021:

OUTA CEO Wayne Duvenage presents at Gordon Institute of Business Science webinar on why local government is not working.

5 November 2021:

OUTA files an internal appeal against Eskom's failure to provide OUTA with a response to its PAIA request of 27 September 2021 seeking access to Koeberg-related records.

8 November 2021:

Defend Our Democracy launches Anti-Corruption Week campaign. OUTA CEO Wayne Duvenage tells the launch that the Presidency should lead the way in offering whistleblower Athol Williams help to return to South Africa and live in safety. Williams recently fled the country after receiving threats.

WEBINAR

Local Elections: No one to vote for? Here's what you should do

PANELIST Mandlesizwe Lionel Isaacs <i>Political economist & public policy expert</i>	PANELIST Khaya Sithole <i>Accountant Radio Host & Academic</i>	PANELIST Nhlanhla Lux <i>President of PGSA</i>	HOST Wayne Duvenage <i>CEO of OUTA</i>
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Wednesday 20 October
12:30 - 14:00

www.oua.co.za

OUTA for Lunch
Change Leadership Discussions

OUTA
ORGANISATION UNDOING TAX ABUSE

“She proceeded, through a mixture of negligence, incompetence and deliberate corrupt intent, to dismantle governance procedures at SAA, create a climate of fear and intimidation and make a series of operational choices at SAA that saw it decline into a shambolic state.”

Commission of Inquiry into State Capture, Part 1 of final report, January 2022, commenting on former SAA chair Dudu Myeni

10 November 2021:

OUTA submits two briefs on parliamentary oversight to Parliament. The briefs on Public Interest (see [here](#)) and Public Participation (see [here](#)) were submitted to the Portfolio Committee on Public Enterprises and the Portfolio Committee on Mineral Resources and Energy. These topics will be covered in greater detail in OUTA's annual parliamentary oversight report later.

10 November 2021:

OUTA Hour discusses what transparency means for our projects and why it is essential for accountability, with OUTA's Andrea van Heerden, Asavela Kakaza and Brendan Slade.

15 November 2021:

OUTA's submission on the Medium-Term Budget Policy Statement (MTBPS 2021) to the Standing and Select Committees on Finance is [here](#), and the presentation, on 17 November, is [here](#).

15 November 2021:

The Pretoria High Court grants OUTA a default judgment ordering SANRAL to provide OUTA with a copy of its toll concession contract with Trans African Concessions (TRAC) and the TRAC financial records. OUTA had requested the information from SANRAL in June 2020 in terms of PAIA. SANRAL failed to respond and then failed to oppose the court action. The court order is [here](#) and more on this matter is [here](#). SANRAL subsequently missed the court-ordered deadline (see below).

16 November 2021:

OUTA CEO Wayne Duvenage appears on SAFM's Viewpoint in the #TuesdayTakeover, to interview water expert Dr Ferrial Adam (former OUTA board chair) about the water crisis in South Africa.

17 November 2021:

OUTA Hour discusses NERSA's plans to change the method of calculating electricity tariffs with OUTA's Liz McDaid, OUTA's court win which orders SANRAL to provide us with documents on the TRAC toll concession with OUTA's Brendan Slade, and the MTBPS with OUTA's Matt Johnston.

24 November 2021:

OUTA for Lunch webinar: OUTA launches the book *Permitted Plundering: How Parliament failed SA* by OUTA's author Ilse Salzwedel, detailing how Parliament was captured and aided state capture. The launch included radio host Khaya Sithole, Konrad Adenauer Stiftung project manager Nancy Msibi (KAS funded the book project), and OUTA's Salzwedel, Rudie Heyneke and Wayne Duvenage. See [here](#) for more information and how to buy the book.

24 November 2021:

OUTA Hour discusses the book *Permitted Plundering: How Parliament failed SA* with Ilse Salzwedel and OUTA's Rudie Heyneke and Wayne Duvenage, which explains the capture of Parliament, how Parliament failed in its oversight duties and why electoral reform is needed.

#OUTA HOUR

OUTA's PAIA win against TRAC and SANRAL

Brendan Slade – Legal Project Manager

Eskom Price Determination

Liz McDaid – Parliamentary Advisor

Red Flags in the Mid Term Budget Speech

Matt Johnston – Head of Research, Policy & Parliamentary Engagement

Wednesday 17 Nov 21 @ 19h00 CAT

OUTA
ORGANISATION UNDOING TAX ABUSE

“Transparency is the key to a thriving nuclear industry as the absence of transparency will result in circumvented accountability at the expense not only of the national fiscus, but to the citizens of South Africa.”

OUTA submission to the Department of Mineral Resources and Energy, commenting on the National Nuclear Regulator Amendment Bill and calling for stronger regulation of the industry, 20 September 2021



24 November 2021:

OUTA attends a virtual workshop hosted by Media Monitoring Africa and presents its proposal to make the PAIA process more user friendly and concise, and on hindrances OUTA has experienced throughout the years of utilising PAIA.

1 December 2021:

OUTA writes to Finance Minister Enoch Godongwana, calling for a halt to the annual increase in fuel levies, which are announced every year in the Budget. OUTA's letter to the Minister is [here](#) and more information is [here](#). On 23 February 2022, the Minister announces in his Budget 2022 [speech](#) that there will be no increase in the General Fuel Levy or the Road Accident Fund levy – for the first time in decades – and announces plans for a review of the fuel price mechanism.

1 December 2021:

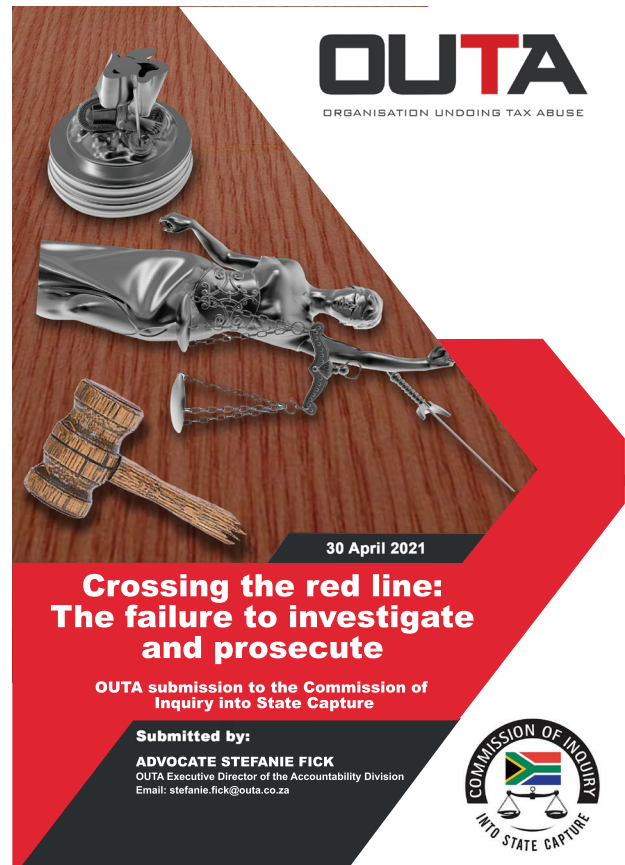
OUTA Hour discusses the latest on e-tolls and the fuel levies with Wayne Duvenage and Adv Stefanie Fick, and Milnerton Lagoon with Andrea van Heerden.

6 December 2021:

OUTA submits a PAIA application to the Department of Water and Sanitation in connection with the Milnerton Lagoon information (see [here](#)); this information was received.

8 December 2021:

OUTA submits a PAIA application to the City of Cape



Town, asking for documents relating to compliance and licencing at the Potsdam Wastewater Treatment Works, temporary discharge points, emergency discharges (the list is [here](#)). Some of the requested documents were received a week later, access to the rest (some of this redacted) was received by February 2022, and OUTA is assessing the information.

8 December 2021:

OUTA Hour discusses highlights and successes from 2021 and what to look forward to in 2022, with OUTA's Wayne Duvenage, Adv Stefanie Fick, project manager Thabile Zuma and legal project manager Asavela Kakaza.

9 December 2021:

International Anti-Corruption Day, and launch of the

“The wheels of justice are beginning to turn with regard to corruption. We are beginning to move slightly more quickly.”

NDPP Advocate Shamila Batohi, updating Parliament’s Standing Committee on Public Accounts, 15 February 2022

international campaign to [Bring Back the Guptas](#) to face justice. OUTA is part of this campaign and OUTA CEO Wayne Duvenage gave an input at this launch.

10 December 2021:

OUTA CEO Wayne Duvenage takes part in an engagement between the AGSA and civil society organisations.

13 December 2021:

OUTA writes to Minister of Transport Fikile Mbalula, calling for the validity of driving licence cards to be extended from the current five years to 10 years, to ease the strain on motorists and the renewal system, and to engage with OUTA on this matter. The letter is [here](#).

15 December 2021:

The final OUTA Hour in 2021 has a wrap of highlights from programmes during the year.

12 January 2022:

OUTA Hour discusses the State Capture Commission and private prosecutions with OUTA’s Wayne Duvenage, Rudie Heyneke and Adv Stefanie Fick.

13 January 2022:

The Pretoria High Court declares the AARTO Act and the AARTO Amendment Act unconstitutional, following an application by OUTA challenging this law. The court

agreed with OUTA’s position that the legislation unlawfully intrudes on the exclusive executive and legislative competence of local and provincial governments. The matter must now go to the Constitutional Court for confirmation of unconstitutionality. The high court judgment is [here](#) and more on this is [here](#).

13 January 2022:

OUTA writes to the National Nuclear Regulator and Eskom, querying the extension-of-life project for the Koeberg nuclear power station, why this appears to be going ahead without regard to the law, and asking what happened to the public participation process required for extending the operating licence. OUTA’s letter to the regulator is [here](#), the letter to Eskom is [here](#), and more about this issue is [here](#).

14 January 2022:

OUTA makes a submission to NERSA, commenting on Eskom’s application for a price increase of 20.5% for 2022/23. OUTA’s submission is [here](#), the annexure is [here](#) and a summary is [here](#). OUTA also attends the public hearings and presents its written submission to NERSA. On 24 February, NERSA gave Eskom an increase (combined for two applications) of 10%. OUTA said even this was too much.



18 January 2022:

OUTA's state capture expert Rudie Heyneke is a guest speaker on Radio al Ansaar to discuss the state capture report.

19 January 2022:

OUTA writes to the Minister of Mineral Resources and Energy, Gwede Mantashe, raising concern that Peter Becker of Koeberg Alert Alliance, the sole civil society representative on the board of the National Nuclear Regulator, has been suspended from the board and urging his reinstatement. OUTA's letter to the Minister is [here](#) and more about this matter is [here](#).

19 January 2022:

OUTA Hour discusses OUTA's win in the Pretoria High Court, which declared the AARTO Act and AARTO Amendment Act unconstitutional, what happens to traffic fines and the way ahead, with OUTA's Andrea van Heerden and the attorney who acted in this matter for OUTA, Andri Jennings. The show also discusses the driver's licence renewal problem and broken printing machine, with OUTA's Wayne Duvenage.

24 January 2022:

OUTA applies to the Pretoria High Court for SANRAL and its CEO to be declared in contempt of court for ignoring an order to provide OUTA with information on the TRAC toll concession contract, and for a suspended jail sentence for the CEO to encourage compliance within 10 days of the order. This arises from SANRAL's failure to comply with the court order of 15 November 2021 which ordered it to provide OUTA with information on the TRAC

concession contract to operate the N4 toll road from Tshwane to Maputo. The application is [here](#) and more about this matter is [here](#).

26 January 2022:

OUTA Hour discusses energy price hikes, transparency and Karpowerships with OUTA's Liz McDaid, Brendan Slade and energy advisor Chris Yelland, and OUTA's call for fuel levies to be capped with OUTA's Wayne Duvenage and Thabile Zuma.

27 January 2022:

OUTA writes to Minister of Finance Enoch Godongwana, calling for no increases – or better still, a reduction – in the General Fuel Levy and Road Accident Fund levy on fuel, and for a review of the fuel price mechanism. The increases are announced annually in the Budget, tabled in Parliament every February. OUTA's letter is [here](#).

28 January 2022:

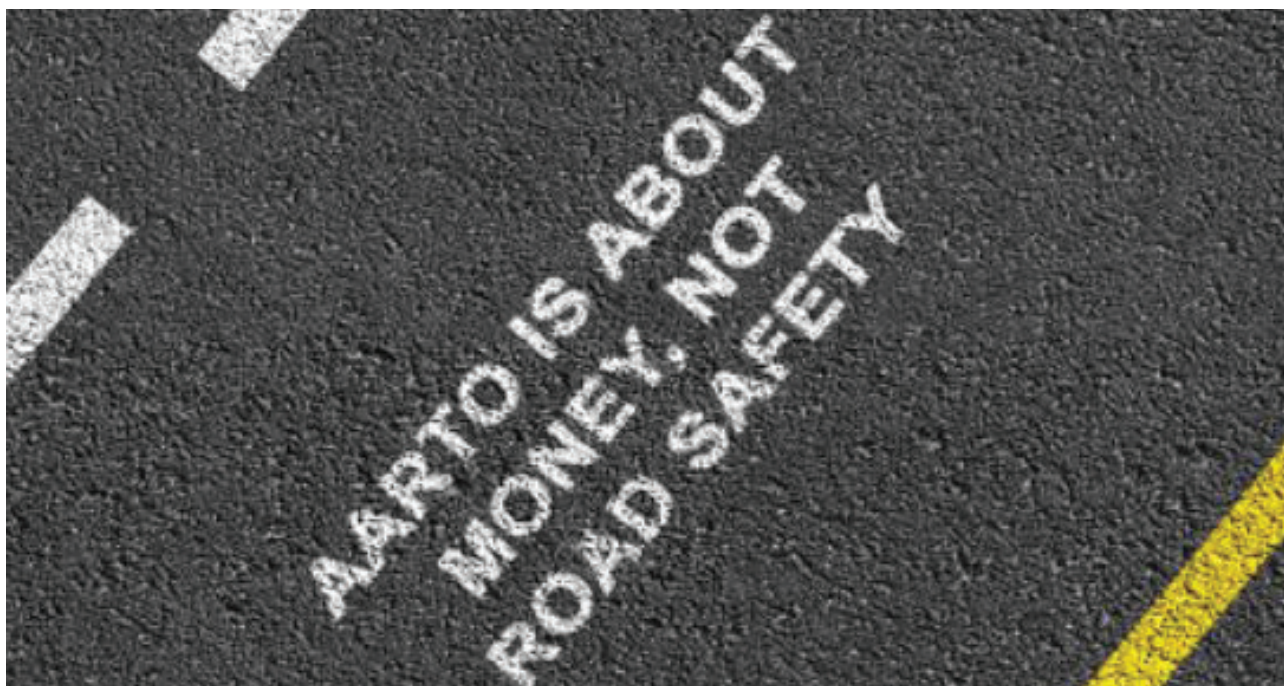
In the ongoing court battle between OUTA and SANRAL over access to the TRAC toll concession contract, SANRAL files a rescission application to set aside the default judgment which OUTA won against SANRAL on 15 November 2021; OUTA subsequently files notice to oppose this.

28 January 2022:

OUTA is part of the civil society engagement with the National Prosecuting Authority.

2 February 2022:

OUTA Hour with OUTA's Adv Stefanie Fick and Schalk





Schutz, and SAA whistleblower Cynthia Stimpel and AmaBhungane’s advocacy coordinator Cherese Thakur discusses whistleblowing and the release of the second report from the State Capture Commission.

3 February 2022:

OUTA writes to NERSA, complaining that the public participation process for comment on the Karpowership applications for gas-related licences is wholly inadequate. Only some of the applications were advertised, those adverts which were published were effectively hidden from national view (although this is a national issue) in a regional newspaper with a locked website, and all were published during the year-end shutdown. While the adverts claimed the full applications were available on the NERSA website, none were available. OUTA’s letter is [here](#).

3 February 2022:

OUTA files a confirmation application to the Constitutional Court, to confirm the Pretoria High Court’s judgment of 13 January that the AARTO Act and AARTO Amendment Act are unconstitutional. This application is [here](#). The Minister of Transport subsequently filed notice of intention to oppose.

3 February 2022:

OUTA reaches 85 000 followers on Twitter.

4 February 2022:

OUTA CEO Wayne Duvenage makes a presentation at a SAICA/AGSA session on the AGSA’s 2020/21 Public Finance Management Act audit outcomes, providing insight from a civil society perspective.

9 February 2022:

OUTA Hour discusses the upcoming President’s State of the Nation Address, with OUTA’s Wayne Duvenage and OUTA board members Wyna Modisapodi and Phumlani Majozi.

14 February 2022:

Upon invitation from the National Nuclear Regulator following a series of correspondence, OUTA attends a virtual meeting hosted by the regulator. During this meeting, OUTA reiterates its call for transparency and due process to be followed as well as deficiencies highlighted in the Koeberg extension-of-life process.

15 February 2022:

OUTA meets the mayor of the City of Ekurhuleni to discuss property rates and the valuation roll. The mayor confirms that the City will tend to the issue with great care and be lenient towards residents in the handling of appeals against valuations.

16 February 2022:

OUTA Hour discusses the State of the Nation Address and the driver’s licence problems, with OUTA’s Wayne Duvenage and Adv Stefanie Fick.

17 February 2022:

Toll concessionaire N3TC applies to be joined to OUTA’s legal case against SANRAL, a result of OUTA’s PAIA request to SANRAL for information on the N3TC toll concession contract, which SANRAL had refused. N3TC also opposes the disclosure of the records.

18 February 2022:

OUTA podcast interviewing SARS whistleblower Johann van Loggerenberg. OUTA podcasts are [here](#).

21 February 2022:

OUTA makes a submission to the Portfolio Committee on Home Affairs on the Electoral Amendment Bill. The Bill arises from the Constitutional Court judgment of June 2020 – a case in which OUTA acted as a friend of the court, calling for electoral reform to allow independent candidates in national and provincial elections. The Concourt gave Parliament two years to amend the law, but the Bill was introduced to Parliament only in January 2022. OUTA’s submission challenged the reduction of public participation on this and various aspects of the Bill. OUTA’s submission is [here](#) and a summary of this matter is [here](#).

22 February 2022:

OUTA submits a PAIA request to the National Nuclear Regulator, asking for copies of minutes, board resolutions and decisions from all its board meetings during January and February 2022, all recordings or transcripts of board meetings attended by civil society representative Peter Becker, and all reports submitted by the regulator to the Minister of Mineral Resources and Energy in support of its request that the Minister suspend Becker from the board. See [here](#) for the list of documents OUTA requested. Becker, of Koeberg Alert Alliance, was the representative for civil society on the board until the Minister removed him, which OUTA opposes. Becker was appointed only after calls for a civil society representative



Tom London hosts the OUTA Hour programme which is broadcast on OUTA's Facebook page on Wednesdays at 7pm

to be appointed to the board, as legally required. For more, see [here](#) and [here](#). The regulator subsequently refuses this request, and the matter continues during 2022/23.

23 February 2022:

OUTA Hour discusses Budget 2022 with OUTA's Wayne Duvenage, OUTA board member Phumlani Majozi and Econometrix economist Dr Azar Jammie.

24 February 2022:

OUTA points out that in Budget 2022, VIP Protection Services and Static Protection (protection for VIPs, in the Police budget) together get R3.122 billion for 2022/23, which is more than the combined budgets of R3.060 billion for the Hawks, the Special Investigating Unit, the Asset Forfeiture Unit and the Office for Witness Protection. There is nothing in Budget 2022 for the new entities to combat corruption recommended in the State Capture Commission reports so far.

28 February 2022:

OUTA publishes our annual report on parliamentary oversight, looking at 2021, *MPs dragging their feet: Wheels are turning but we are going backwards*. This is OUTA's third annual report in this series, and committee chairpersons in Parliament have become more responsive to OUTA calls for action and policy-making considerations. The report is [here](#), a summary is [here](#), and seven advocacy briefs based on the report are [here](#). This report was subsequently submitted to Parliament to circulate to MPs.



NETWORKING: OUTA PARTICIPATES IN THESE FORUMS



OUTA ACTIONS: BRIDGE BRIGADE PROTESTS

1 March 2021 to
28 February 2022

OUTA's Bridge Brigade team uses the bridges over Gauteng's freeways to protest against corruption and misuse of funds. Our team also holds or participates in protests at other venues. This team started with e-toll protests and now includes calls for state capture prosecutions, opposition to new nuclear power, and in defence of democracy.



Bridge Brigade leader Ali Gule. Photo: Michel Béga / The Citizen

80 BRIDGE BRIGADE PROTESTS IN ONE YEAR

Here's a short video from May 2021 showing how
our Bridge Brigade team campaigns:

[watch](#)



1 March 2021: E-tolls protest, Viking Road bridge over N1, Devland/Naturena.

3 March 2021: Protest with Ahmed Kathrada Foundation outside Home Affairs in Pretoria, against that department's illegitimate issuing of documents to the Guptas.

5 March 2021: E-tolls protest, Voortrekker Road bridge over N12, Benoni.

8 March 2021: E-tolls protest, Grey Avenue bridge over N3, Alberton.

12 March 2021: E-tolls protest, Kings Highway over N1, Pretoria.

19 March 2021: E-tolls protest, Guthrie Road bridge over N17, Wadeville.

22 March 2021: "Defend Our Democracy" campaign launch demonstration, a joint action with other NGOs, outside the Constitutional Court.

25 March 2021: E-tolls protest, Department of Transport head office, Pretoria. Banner: "E-TOLL HEIST!!"

26 March 2021: E-tolls protest, Department of Transport head office, Pretoria.

29 March 2021: E-tolls protest, Aerodrome bridge over N12, Aeroton.

30 March 2021: E-tolls protest. Hans Schoeman Road bridge over N1, Bromhof.

31 March 2021: E-tolls protest. Hans Schoeman Road bridge over N1, Bromhof.

6 April 2021: E-tolls protest. Modderfontein Road over N3, Modderfontein.

9 April 2021: E-tolls protest, Bowling Avenue bridge over N1, Sunninghill.

16 April 2021: E-tolls protest, Atlas Road bridge over R21.

19 April 2021: E-tolls protest, Cydonia Road bridge over N3, Bedfordview.

22 April 2021: On Earth Day, OUTA and Milnerton residents protest in Milnerton, Cape Town, against pollution of Diep River and Milnerton Lagoon. #RethinkTheStink

3 May 2021: "Defend Our Democracy" campaign, a joint campaign by NGOs. Enoch Sontonga Road bridge over the M1, Braamfontein.

5 May 2021: Protest against SANRAL secrecy over contracts with toll concessionaires, Springs Magistrate's Court.

7 May 2021: "Defend Our Democracy" campaign, Viking Road bridge over N1, Devland/Naturena.

14 May 2021: "Defend Our Democracy", Main Road bridge over N1, Fourways.

17 May 2021: "Defend Our Democracy", Jean Avenue bridge over N1, Centurion.

21 May 2021: E-tolls protest, Aerodrome Road bridge over N12, Aeroton.

24 May 2021: E-tolls protest, Grey Avenue bridge over N3, Alberton.

28 May 2021: "Defend Our Democracy", Old Potchefstroom Road bridge over N1, Soweto.

4 June 2021: Voortrekker Road bridge over N12, Benoni.

7 June 2021: Guthrie Road bridge over N17, Wadeville.

10 June 2021: “Bring Back the Guptas” protest outside the UAE embassy in Pretoria.

14 June 2021: “We will never pay e-tolls!” Barbara Road bridge over N12 in Primrose.

18 June 2021: Demand for accountability and transparency, over Ekurhuleni metro’s rates increases, outside the metro offices in Germiston.

25 June 2021: E-tolls protest, Atlas Road bridge over R21, Kempton Park.

6 August 2021: “#StrongerTogether – United in Hope” call for unity, Cydonia Road bridge over the N3, Bedfordview.

10 August 2021: “#StrongerTogether – United in Hope” call for unity, Voortrekker Road bridge over the N12, Benoni.

12 August 2021: “Defend Our Democracy” demonstration outside the State Capture Commission during the testimony of President Cyril Ramaphosa.

17 August 2021: “Stronger Together – United in Hope”, Guthrie Road bridge over N17, Wadeville.

26 August 2021: OUTA joins “Defend Our Democracy” candlelight vigil at Mary Fitzgerald Square for whistleblower Babita Deokaran, who was shot dead on 23 August 2021. Watch [here](#).

30 August 2021: “Stronger Together – United in Hope”, Marlboro Drive bridge over N3, Linbro Park.

3 September 2021: “Stronger Together – United in Hope”, Linksfield Road bridge over N3, Edenvale.

4 September 2021: OUTA’s team at the memorial service for murdered whistleblower Babita Deokaran, outside her home in Mondeor where she was murdered.

13 September 2021: “We Want Justice”, joint civil society protest outside Johannesburg Magistrate’s Court, during appearance of six men accused of murdering whistleblower Babita Deokaran.

17 September 2021: “Stronger Together – United in Hope”, Viking Road bridge over N1, Devland/Naturena.

20 September 2021: “Stronger Together – United in Hope”, Jean Avenue bridge over N1, Centurion.

29 September 2021: “Stronger Together – United in Hope”, Modderfontein Road bridge over N3, Modderfontein.

5 October 2021: Protest outside the Johannesburg Magistrate’s Court during appearance of men accused of murdering whistleblower Babita Deokaran.

12 October 2021: “AARTO is the next e-tolls” on Cydonia Road bridge over the N3, Bedfordview, ahead of OUTA’s legal challenge to AARTO being heard in court on 18 October.

15 October 2021: Opposing AARTO, Kings Highway bridge over the N1, Pretoria.

18 October 2021: Opposing AARTO, Voortrekker Road bridge over the N12, Benoni.

19 October 2021: Opposing AARTO, Linksfield Road bridge over the N3, Edenvale.

25 October 2021: OUTA at the Defend Our Democracy meeting.

29 October 2021: Guthrie Road bridge over the N17, Wadeville.

2 November 2021: Grey Avenue bridge over the N3, Alberton.

19 November 2021: Calling for justice for whistleblower Babita Deokaran, outside the court during another appearance of those accused of her murder.

12 November 2021: “Defend Our Democracy”, Enoch Sontonga Road over the M1, Johannesburg.

19 November 2021: Justice for whistleblower Babita Deokaran, outside the court during another appearance of those accused of her murder.

26 November 2021: “Defend Our Democracy”, Cydonia Road bridge over the N3, Bedfordview.

29 November 2021: Support for the upcoming Anti-Corruption Week, Aerodrome bridge over the N12 in Aeroton.

30 November 2021: Protests outside the Johannesburg Magistrate’s Court during the appearance of the men accused of murdering whistleblower Babita Deokaran.

1 December 2021: “Defend Our Democracy”, Hans Schoeman Road bridge over the N1, Boskruin.

2 December 2021: “Defend Our Democracy”, Grey Avenue bridge over N3, Alberton.





3 December 2021: “Defend Our Democracy”, Auckland Park, honouring whistleblowers during Anti-Corruption Week.

9 December 2021: “Defend Our Democracy”, Kings Highway bridge over the N1 in Pretoria.

15 December 2021: “Defend Our Democracy”, Barbara Road bridge over the N12 in Primrose, the last bridge protest of the year.

10 January 2022: “Defend Our Democracy”, Guthrie Road bridge over N17, Germiston

17 January 2022: “Prosecute State Capture Culprits”, Linksfield Road bridge over N3, Edenvale.

21 January 2022: “Prosecute State Capture Culprits”, Grey Avenue bridge over N3, Alberton.

24 January 2022: “Say no to fuel levy increases”, Viking Road bridge over N1, Devland/Naturena.

25 January 2022: “Say no to fuel levy increases”, Main Road bridge over N1, Bryanston.

28 January 2022: “Say no to fuel levy increases”, Atlas Road bridge over R21, Kempton Park.

1 February 2022: “Say no to fuel levy increases”, Voortrekker Road bridge over N12, Benoni.

7 February 2022: “Say no to fuel levy increases”, Solomon Mahlangu Road bridge over N1, Pretoria.

11 February 2022: “Say no to fuel levy increases”, on the Le Roux Avenue bridge over N1, Midrand.

14 February 2022: “Say no to fuel levy increases”, Kings Highway bridge over N1, Pretoria East.

17 February 2022: “Say no to fuel levy increases”, Jean Avenue bridge over N1, Centurion.

17 February 2022: OUTA joins the public protest in Cape Town, demanding transparency in the National Nuclear Regulator.

21 February 2022: “Say no to fuel levy increases”, Modderfontein Road bridge over N1, Edenvale.

22 February 2022: “Say no to fuel levy increases”, Barbara Road bridge over N12, Jet Park.

23 February 2022: “Cut wasteful spending & bloated government”, outside Parliament at the Budget speech.

24 February 2022: Demanding protection and justice for whistleblowers, outside the Johannesburg Magistrate’s Court where the men accused of killing Babita Deokaran appeared.

25 February 2022: “Say no to fuel levy increases”, Enoch Sontonga Road bridge over M1, Johannesburg, celebrating the first year in decades that the fuel levies were not increased.

28 February 2022: “Say no to fuel levy increases”, Linksfield Road bridge over N3, Edenvale, celebrating the first year in decades that the fuel levies were not increased.

OUTA ACCOUNTABILITY AND PUBLIC GOVERNANCE DIVISION

2021/22 HIGHLIGHTS

- OUTA won a high court action which ruled that the Administrative Adjudication of Road Traffic Offences Act and its amendment are unconstitutional and invalid. This must be confirmed by the Constitutional Court.
- The Supreme Court of Appeal dismissed Dudu Myeni's appeal against the delinquent director judgment which OUTA won against her.
- OUTA won a high court order against the Services Sector Education and Training Authority, ordering it to hand over documents we requested in connection with a R163 million contract.
- OUTA won a high court order against the South African National Roads Agency, ordering it to hand over documents we requested in connection with its toll concession contract with TRAC.
- Whistleblower information enabled us to expose corruption in the e-tolls collection contract, allegedly involving the South African contractor and its Austrian shareholder.
- OUTA published our third annual report on oversight of Parliament, a substantial report which again criticised Parliament for inadequate oversight of the Executive.
- OUTA published our first book, *Permitted Plundering: How Parliament Failed South Africa*, which details how Parliament was captured and thus failed to oppose state capture.



ADV STEFANIE FICK
EXECUTIVE DIRECTOR OF
OUTA ACCOUNTABILITY
AND PUBLIC GOVERNANCE
DIVISION

THE TEAM

The Accountability and Public Governance division runs OUTA's projects. We have project managers, lawyers, researchers, energy experts, governance experts and investigators.

Together, this dynamic team acts against corrupt activities and maladministration in all spheres of government and challenges irrational laws and policies. Our team again showed energy and resilience. The year 2021/22 had its ups and downs but despite a lot happening around us, the team stayed focused on the mission to create a better South Africa for all.

Our team is mainly based in Gauteng, but also includes a small office in Cape Town, which monitors activity in Parliament and produces our annual Parliamentary Oversight Report.

THE SOUTH AFRICAN CONTEXT IN WHICH WE WORK

Unfortunately, the Covid-19 pandemic raged on, and unemployment was higher than ever, reaching 35.3% at the end of the year. The economy struggled and we saw increased numbers of protests against poor service delivery. Government debt-service costs had reached R300 billion a year by February 2022 and there was an ongoing national debate around “failing” or “failed” state because of the failure of so many government departments and state-owned entities and the ongoing shameless and blatant looting. Government attempts to finalise the sale of 51% of South African Airways (SAA) to a private consortium limped along, with more bailouts needed for the airline. Parliament’s National Assembly building and a major Gauteng hospital were seriously damaged by fires; lack of funds delays repairs. We witnessed attacks on whistleblowers, mayors driving luxury cars running municipalities with unpaid Eskom bills, fraudulent claiming of social grants by government employees and the failure to implement clear, effective systems to block looting of government’s big infrastructure projects.

STATE CAPTURE: TURNING THE TIDE

OUTA and the public are impatient for prosecutions of state capture culprits. We want to see these looters in orange overalls. The fightback by state capture beneficiaries remains fierce, as was evident in former President Jacob Zuma’s lawfare and Stalingrad tactics that were copied by former eThekweni mayor Zandile Gumede, suspended ANC general-secretary Ace Magashule and Public Protector Advocate Busisiwe Mkhwebane. In a victory for the rule of law, Zuma was jailed for contempt of court but was soon released on

a dubious medical parole. His jailing was followed by the July violence, illustrating the disintegration of the security and intelligence sector as a result of capture. Parliament was still asleep at the wheel, failing to hold to account the Executive that is supposed to ensure that interest of all South Africans comes first.

The State Capture Commission finished hearing oral evidence and, in January and February 2022, handed over the first two parts of its substantial and detailed final report to President Cyril Ramaphosa. In a win for transparency, the full reports were immediately made available to the public. The remaining sections of the report are due during 2022 and President Ramaphosa is due to brief Parliament on implementation of the Commission’s recommendations a few months after that. The Commission’s reports provide an official and detailed account of state capture, much of which we already knew but now formally confirmed by a judicial commission headed by the Deputy Chief Justice. The Commission found unequivocally that state capture exists, and the reports point to Zuma’s involvement and the capture of key state institutions. The individuals implicated include those against whom OUTA laid charges from 2016 to 2020. The reports are a savage indictment not just of criminal behaviour but also of the failures over years of those responsible for oversight. Some of the reports and findings vindicate OUTA’s complaints to law-enforcement bodies and regulatory authorities in previous years which were ignored. There are definitely expectations by South Africans that the Commission’s recommendations will be implemented, and that this detailed evidence will be used successfully by the National Prosecuting Authority (NPA) to prosecute, and we will push for that.

OUTA's Methodology



INVESTIGATE



ENGAGE



EXPOSE



MOBILISE



ACTION AND LITIGATION

Other encouraging moves to combat state capture were seen in the Special Investigating Unit (SIU), which started 14 new investigations during 2021/22, and its Special Tribunal which sharpened its teeth and has issued orders for the recovery of more than R8 billion in looted funds over the last three years. The NPA has moved very slowly on prosecutions but we acknowledge that there have been some important developments. The NPA has filed several important cases, with charges against powerful figures like Magashule, Gumede and key Gupta associates Iqbal Sharma and Kuben Moodley. In another encouraging move, the NPA's Investigating Directorate hired 21 financial investigators in January 2022. The Auditor-General of South Africa issued its first binding remedial actions against government entities, using its new powers under the amended Public Audits Act.

We would like to see greater efforts by regulatory bodies for various professions to investigate complaints and take action against errant members, following the failures in this regard during the worst of the state capture years. The complaints we made to regulatory bodies in the past were not frivolous but they failed to act or delayed.

Successful prosecutions are essential if South Africa is to recover from this era of looting.

OUTA STRATEGIES: SUBMISSIONS, WHISTLEBLOWERS, TECHNOLOGY, TRANSPARENCY AND LEGAL ACTION

OUTA opposes government corruption and irrational government policies using a range of strategies. We make submissions on policies and legislation as part of formal public participation processes. We use reports from whistleblowers to initiate or assist in exposing wrongdoing. We upgrade our digital systems to ensure the anonymity of whistleblowers and the safety and accessibility of the information we gather. We engage with authorities on issues we are concerned about, where this is possible, in the hope that they will listen. Part of OUTA's toolbox is legislation that gives effect

to our constitutional rights: we use the Promotion of Access to Information Act (PAIA) applications as an important tool of transparency, to access information relevant to our investigations and efforts to ensure accountability. And as a last resort, we use legal action to obtain accountability.

During the year, we received 92 reports from whistleblowers of corruption reported to OUTA's investigators via our secure online whistleblowing platform, Whispli. This is an indication of the serious and entrenched nature of corruption, and these reports continue to be crucial to OUTA's investigations. One such anonymous report resulted in a submission to the NPA regarding payments to ProAsh from Electronic Toll Collection, the South African National Roads Agency (SANRAL) contractor which runs the e-toll collections. The Whispli platform had further upgrades during the year, building on last year's migration and functionality, making it even easier and more user-friendly for concerned citizens to report corruption to OUTA.

Our data analytics tool, Skynet, has grown from strength to strength, with several thousand documents being added over the last year and more being added every week. The system has been integrated into the Investigations team's daily workflow, which will enable the team to make connections and deepen the scope of our investigations.

We took several successful legal actions during the year. A highlight of our year was winning a high court case which ruled in January 2022 that the Administrative Adjudication of Road Traffic Offences Act (AARTO) and its amendment were unconstitutional and invalid.

Another long-running legal action is coming to an end: the Supreme Court of Appeal confirmed our delinquent director judgment against former SAA chair Dudu Myeni. Work continues on obtaining payment of our legal costs from her.

“And now I look at South Africa, not with hurt and anger, but with possibility. We've been through worse and got through it. And we're getting through this as well.”

Whistleblower Cynthia Stimpel, the former SAA group treasurer who exposed the airline's planned corrupt deal with BNP Capital and lost her job as a result, in an interview with News24, 5 August 2021

Blowing the whistle on corruption

92 reports received from whistleblowers through OUTA’s secure Whispli whistleblower platform which enables anonymity



13 reports taken up

- 1 ongoing project
- 4 temporary projects
- 7 in preliminary investigation
- 1 requires additional information

79 reports not followed up, due to:

- 19 did not meet OUTA mandate
- 7 had insufficient value
- 1 OUTA did not work in this area
- 17 information inadequate
- 3 information unreliable
- 3 duplicate reports
- 29 other reasons

Report corruption in government to OUTA using our secure Whispli platform on our website:
www.oua.co.za/whistleblowing



TRANSPARENCY IS ESSENTIAL FOR ACCOUNTABILITY

Accountability requires greater transparency by government. The PAIA law is an important element of transparency, which in turn is integral to accountability. The two principles of transparency and accountability are so closely tied to each other that they simply cannot be mutually exclusive. This transparency requirement extends to businesses: if companies decide to do business with government, they should not expect to hide behind a corporate veil or the Protection of Personal Information Act (POPIA).

This tool does not come without its hindrances, and we have observed that government regularly misuses its provisions to its own advantage. Government’s default strategy appears to be to keep delaying, using the full extent of the PAIA-allowed first deadline and extended deadline, then stringing out or ignoring the internal appeals, ending in an actual or effective refusal, then opposing any legal action to challenge the refusal. At OUTA, we know that government’s primary reason for delaying is to prevent the truth from coming out. In an ideal world, if there is nothing to hide, why the secrecy? PAIA is therefore crucial in holding government to account: if we don’t ask for the records, government will not of its own volition give them to us.

One highlight for the OUTA Investigations team was the successful high court judgment we won against the Services Sector Education and Training Authority (Services SETA) when we challenged its refusal to comply with our PAIA request for information on its controversial contract with Grayson Reed. It might have taken 34 months, but the documents received have yielded invaluable information set to keep the Investigations team burning the midnight oil and bringing further corruption to light. We find the judge’s comment in this matter significant: **“Our Constitutional values require that public bodies be transparent, and that transparency in turn equates to public confidence on how the public funds are managed.”**

A number of other OUTA projects illustrate the value of transparency in accountability: our work to access the toll concessionaires’ finances; our annual Parliamentary Oversight Report; our report on public funding of political parties and their constituency offices; our lobbying for transparency and improved governance at the National Nuclear Regulator, and in the nuclear new build and Koeberg’s extension-of-life project.

If government is not open about its activities, it is our job as civil society to get to the bottom of the problem. Without transparency, there cannot be any accountability.

OUTA PROJECTS: IT'S BEEN A *VERY* BUSY YEAR!

- **AARTO:**
Stopping an unconstitutional law
- **Gauteng e-tolls:**
Abandoned but still no funding decision by Cabinet
- **Toll concessionaires:**
Seeking transparency on profits
- **Driver's licences:**
Calling for efficiency in chaos
- **Fuel levies:**
Opposing fuel levy increases
- **Dudu Myeni:**
Delinquency confirmed
- **Watching over Parliament:**
This failed institution must start holding the Executive to account
- **Permitted Plundering:**
Documenting the capture of Parliament
- **The Budget:**
Watching the money
- **Electoral reform:**
A long way to go
- **Political party funding:**
Where are the constituency offices?
- **Supporting democracy:**
The SABC Bill
- **Accessing information:**
The 277 Free State laptops
- **Accessing information:**
Vehicles for the Mpumalanga Premier
- **Transparency:**
Improving access to information
- **Accessing information:**
The Services SETA contract
- **Metro mistakes:**
The Ekurhuleni valuation roll
- **Milnerton Lagoon pollution:**
Holding the City of Cape Town to account
- **Still sought:**
An Independent Water Regulator
- **National Nuclear Regulator:**
Secrecy blocks accountability
- **Electricity prices:**
Challenging high prices
- **No new nuclear power:**
Monitoring nuclear build plans
- **Karpowership licences:**
A 20-year "emergency" contract

- **AARTO:**
Stopping an unconstitutional law

On 13 January 2022, OUTA won our legal challenge to the Administrative Adjudication of Road Traffic Offences (AARTO) Act and AARTO Amendment Act, when the Pretoria High Court ruled that both the main Act and the Amendment were unconstitutional and invalid. OUTA had filed this case in July 2020 and it was heard in October 2021. Our case was argued by Adv Matthew Chaskalson and Adv Emma Webber, instructed by Jennings Inc.

Judge Annali Basson found in favour of OUTA's position that the legislation unlawfully intrudes upon the exclusive executive and legislative competence of the local and provincial governments envisaged in the Constitution, preventing local and provincial governments from regulating their own affairs. "It therefore follows in my view that the AARTO Act and the Amendment Act must be declared to be inconsistent with the Constitution in its entirety. It is therefore declared that the AARTO Act and the Amendment Acts are unconstitutional and invalid."

The respondents in the case were the Minister of Transport, the Minister Of Cooperative Governance and Traditional Affairs, the Road Traffic Infringement Agency (RTIA) and the RTIA's Appeals Tribunal. The court ordered the Minister of Transport and the RTIA, the only respondents to oppose the case, to pay OUTA's costs, including the costs of two counsel.

The matter is not over yet, as the order of constitutional invalidity must now be confirmed by the Constitutional Court (Concourt). OUTA filed an application for that confirmation of invalidity in the Concourt on 3 February 2022; Minister of Transport Fikile Mbalula filed notice of intention to oppose but did not file any papers so the status of this matter is unclear. On 7 February, the Minister and the RTIA filed notices of appeal against the



high court judgment in the Concourt; OUTA has filed notice of intention to oppose this appeal. Directions from the Concourt are awaited.

While the Concourt case is pending, the AARTO law still exists; however, it is operating only in Gauteng as the national rollout has been repeatedly postponed. AARTO sets up a single national system of road traffic regulation, to hold motorists to account for traffic violations. The demerit system, through which repeat offenders may have their licences suspended or removed, was in the original Act but not implemented. The AARTO Amendment Act was intended to bring the demerit system and the new national Appeals Tribunal into effect, but the start date has not been gazetted.

OUTA has objected to AARTO on the grounds that AARTO has less to do with road safety and more to do with money making. The system is administratively complicated, making it difficult to challenge infringement notices, and relies on chaotic administrative systems. OUTA believes that by introducing a national system of traffic regulation, government is acting contrary to the constitution, as these competencies should solely vest with the provincial and municipal legislators. The process

of challenging infringement notices is complicated and cumbersome, we foresee an increase in bribery and corruption to avoid demerit points, and the law does not sufficiently address the very real problem of road traffic deaths and injuries. The AARTO pilot project which ran in Johannesburg and Tshwane for 10 years failed to improve road safety or decrease the number of road fatalities. Despite the input on the AARTO Amendment Bill from OUTA and other interested groups, Parliament did not address these concerns in the final AARTO Amendment Act. This illustrates how public participation is ignored, at the expense of producing an effective law.

If the Concourt confirms the order of invalidity, the government will have to start again with the law. This time, we trust the relevant departments will engage meaningfully with civil society to obtain our input when developing such important policies for the country.

In a separate action, OUTA made a request in terms of the Promotion of Access to Information Act to the RTIA, requesting information on the process followed by the RTIA to ensure the municipalities' readiness to roll out AARTO. The RTIA initially refused the information, resulting in OUTA having to head to court: before the matter could be heard the RTIA provided the information sought and tendered the wasted costs of OUTA's court application. More on OUTA's work on AARTO is [here](#).

• **Gauteng e-tolls: Abandoned but still no funding decision by Cabinet**

By the end of February 2022, we had been waiting 31 months for Cabinet's promised decision on the future of funding for the Gauteng Freeway Improvement Project (GFIP) run by the South African National Roads Agency (SANRAL) and thus the future of e-tolls. In July 2019, Cabinet had announced that President Cyril Ramaphosa had mandated Transport Minister Fikile Mbalula, the then

Minister of Finance Tito Mboweni and Gauteng Premier David Makhura to find a solution to the e-tolls impasse, to be presented to Cabinet by the end of August 2019. Minister Mboweni has since been replaced by Enoch Godongwana but there is still no decision. In September 2021, Minister Mbalula told Parliament that a date for the decision was still undetermined and that a funding solution must be found. We will continue to apply pressure on government to provide us with a decision.

SANRAL's contract with e-toll collection agency Electronic Toll Collection (ETC), which started running when the gantries were switched on in December 2013, had by December 2021 run for the maximum eight years with no end in sight.

OUTA's court case defending motorists against SANRAL claims for unpaid e-toll bills is still on hold. OUTA had progressed to an advanced stage in the test case on these matters when on 27 March 2019 SANRAL announced that it would no longer pursue e-toll debt. We are awaiting clarity from SANRAL regarding the way forward in this litigation. OUTA believes that only about 15% of motorists are paying e-tolls, and that SANRAL's GFIP bonds should be financed through the National Treasury, which has already bailed out SANRAL several times. SANRAL's annual report 2020/21 indicated that it had written off R23.6 billion of the unpaid e-toll bills.

In September 2020, OUTA received whistleblower information on corruption in the original e-toll collections contract, which was awarded to ETC and its Austrian majority shareholder Kapsch TrafficCom. The allegations were that ETC paid unknown South African company ProAsh R10 million over three years, starting three months after winning the e-toll contract, but with apparently no work done in return. OUTA subsequently obtained a copy of this contract, which shows that ETC hired ProAsh – a small business with no track record – to manage B-BBEE issues for R40 million, payable over nearly 10 years, signing the flimsy service-level agreement about 10 days before ETC signed with SANRAL. OUTA

OUTA'S E-TOLL CASE AGAINST SANRAL

Number of matters defended by OUTA's attorneys as at 28 February 2022:

Rand value of these High Court and Magistrate's Court cases:

High Court cases	99	R152 784 132.37
Magistrate's Courts cases	1 929	R112 275 503.78
Total	2 028	R265 059 636.15

believes this was a kickback related to the awarding of the contract. OUTA informed SANRAL and ETC about these allegations. However, there was no indication of any action by SANRAL on this, so in March 2021, OUTA exposed this. See more on this [here](#) and [here](#).

More on OUTA’s work opposing the e-tolls is [here](#).



• **Toll concessionaires:**
Seeking transparency on profits

OUTA is still seeking transparency on the toll concessionaires’ contracts and finances. We aim to ascertain whether the concessionaires’ profitability is in line with the contracts, whether the state – the South African National Roads Agency Ltd (SANRAL) – is receiving the due revenue and whether the public are paying too much in toll fees. We filed applications in terms of the Promotion of Access to Information Act (PAIA) to SANRAL in connection with three toll concessionaire contracts: the N3 Toll Concessions (N3TC) contract for the N3 between Gauteng and KwaZulu-Natal (filed in July 2019); the Bakwena Platinum Corridor Concessionaire contract for the N4 Platinum Highway (filed in June 2020); and the Trans African Concessions (TRAC) contract for running the N4 toll road from Tshwane to Maputo (filed in August 2020). OUTA wants to assess whether the concessionaires are generating excess profits, which may be in contravention of the Public Finance Management Act.

SANRAL ignored or refused the applications. OUTA brought legal action against SANRAL in connection with all three refusals. In the N3TC matter, SANRAL is opposing it, N3TC successfully applied to be joined to the proceedings and this matter is continuing. In the Bakwena matter, SANRAL is opposing it, Bakwena has applied to be joined to the proceedings and this is due to be heard during 2022.

In the TRAC matter, SANRAL failed to oppose the application, so in November 2021 the court ordered SANRAL to provide the documents to OUTA within

15 days. However, SANRAL failed to hand over the documents. In January 2022, OUTA returned to court, asking for SANRAL to be declared in contempt of court for ignoring the court’s November 2021 order to hand over the information. In the court papers, OUTA asked the court to order SANRAL and the CEO, who is also the SANRAL information officer, to comply and provide OUTA with the information requested. OUTA also asked the court to issue a 30-day prison sentence for the CEO, suspended for one year, on condition that SANRAL complies with the original order within 10 days of the new order being served. At the time of the PAIA request and the 2021 court action, the CEO was Skhumbuzo Macozoma, who left SANRAL in November 2021. If the court grants this order, it would mean that if SANRAL fails to meet the new deadline, the CEO would face jail time. SANRAL has since indicated that it has hired new lawyers and intends applying for a rescission of the judgment. This matter is continuing. More on OUTA’s work on the toll concessionaires is [here](#).



• **Driver’s licences:**
Calling for efficiency in chaos

During 2020/21, OUTA started lobbying for the doubling of the period of validity for driver’s licence cards, from the current five years to 10 years.

Throughout 2021/22, motorists experienced worsening difficulties when trying to renew their driver’s licence cards. Government blamed the Covid-19 lockdowns for the delays, but this had only aggravated an already problematic situation of institutional ineptitude and inefficiency. Motorists are obliged to spend hours – sometimes days – queuing to apply for renewals. Bribery is understood to be widespread and is acknowledged by the authorities. Once the online system was set up, instead of making this process easier, the difficulties of accessing the system and booking slots was equally frustrating.

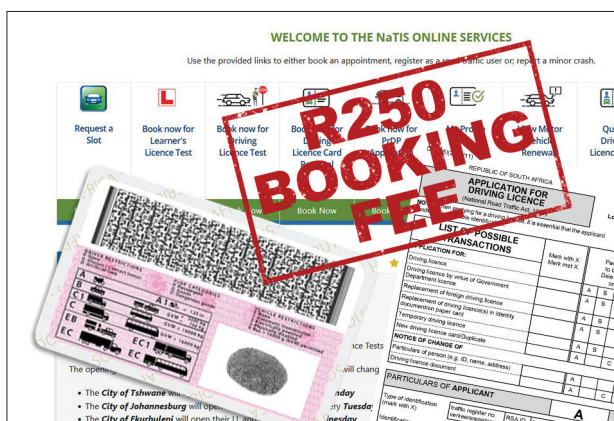
OUTA conducted research to determine the best practices in the driver’s licence renewal process in various countries, to compare these with South Africa’s system.

As a result, OUTA again called on the Department of Transport to extend the validity of driver's licence cards from the existing five years to 10 years. OUTA supports new regulations which could effect this extension and believes that it will eliminate or at least alleviate the waste of time, money and stress associated with the current and otherwise inevitable future backlogs. Citing the lockdown and using directions issued in terms of the Disaster Management Act regulations, the Minister granted extensions for those whose licences expired during the lockdown months, but the extensions were insufficient and did not cater for all the motorists who were unable to access the system. By August 2021, the Minister admitted that there were 2.8 million expired licence cards with 1.2 million of them not renewed. The problem was made worse at year's end when the sole machine used to print the licence cards broke down for weeks.

In September 2021, the Road Traffic Management Corporation (RTMC) gazetted proposed new fees for public comment, including an apparently new fee of R250 for "Online booking for the renewal of credit card format driving licence", which OUTA opposed and which led to public outrage. The RTMC claimed this was a standard fee for getting a licence, not to book a slot in the queue. OUTA wrote to the RTMC and the Minister to object to this fee and other aspects of this regulation. A revised set of draft regulations was subsequently issued for comment; OUTA also submitted comment on these.

In the final version of these regulations, gazetted in January 2022, the RTMC merely reduced some of the fees and forced the additional costs into the system without explaining the need for them. OUTA again raised the issue of excessive fees, particularly for online transactions, saying these were effectively new taxes.

In December 2021, OUTA wrote to Minister of Transport Fikile Mbalula, calling for the validity of driving licence cards to be extended from the current five years to 10 years, to ease the strain on motorists and the renewal

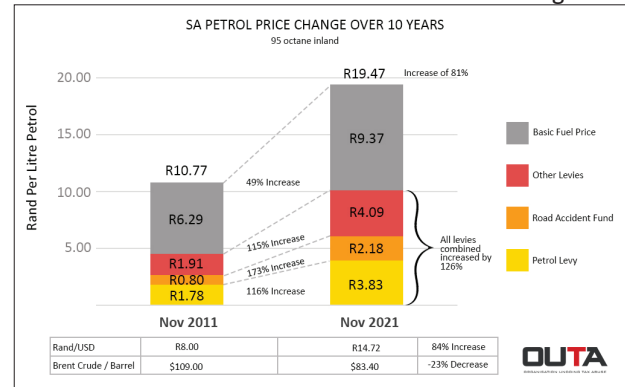


system, and to engage with OUTA on this matter. OUTA had written to the Minister on this matter a year earlier, in September 2020. OUTA also pointed out that in November 2013, the then Minister had amended the National Road Traffic Regulations to extend the validity period to 10 years; unfortunately, less than a year later, this was reversed without explanation.

More on OUTA's work on the driver's licence problem is [here](#).

• Fuel levies: Opposing fuel levy increases

Two local factors that contribute to our current high fuel



prices are the weak value of the rand – which OUTA puts down largely to poor government economic policy and management of our fiscal affairs – and our government's incessant desire to increase taxes on motorists through fuel-related levies over the years.

In December 2021, OUTA wrote to Finance Minister Enoch Godongwana, calling for a halt to the annual increase in fuel levies, which are announced every year in the Budget, saying that the non-fuel component of the fuel price had increased 124% over the past decade, an average of 8.5% a year, adding significantly to the cost of fuel.

On 23 February 2022, the Minister announced in his Budget 2022 speech that there will be no increase in the General Fuel Levy or the Road Accident Fund levy – for the first time in decades – and announced plans for a review of the fuel price mechanism.

More on OUTA's position on the fuel levies is [here](#).

- **Dudu Myeni:**
Delinquency confirmed

In May 2020, OUTA and the South African Airways Pilots' Association (SAAPA) won a legal action against Dudu Myeni in the Pretoria High Court, resulting in her being declared a delinquent director for life, which bars her from any position as a director or board member. This was a significant legal victory in holding to account a prominent person linked to state capture and blocking her from further access to state-owned entities. In April 2021, the Supreme Court of Appeal (SCA) dismissed Myeni's appeal and, in May 2021, the SCA dismissed her attempt to appeal the interim enforcement of the order. This was the end of the case as Myeni has no further legal options left to challenge the judgment. This matter started with filing of the application in March 2017, so took more than four years to finalise, and was based on Myeni's actions while she chaired the SAA board. Myeni was still chair of the SAA board when our action started, she left after her term expired and, as a result of the delinquency judgment, was forced out of other directorships including of the state-owned Centlec electricity utility and the Jacob Zuma Foundation. OUTA and SAAPA were represented by advocates Carol Steinberg, Chris McConnachie and Nada Kakaza, instructed initially by Rashaad Pandor Attorneys and later by Jennings Inc.

OUTA is now in the process of recovering legal costs from Myeni. There are two sets of legal costs: the costs relating to the interlocutory applications (applications within the main case) which Myeni brought against OUTA-SAAPA, all of which she lost with costs, and the much greater costs relating to the main case. Some of the interlocutory costs have been recovered following the issuing of writs of execution, with Myeni paying OUTA a total of R44 000 by February 2022 of the total R100 931 owed. The bill of costs for the main case is due to be taxed during 2022/23; the total before taxation is R4.7 million.

OUTA handed over all documentation relating to this civil action to the National Prosecuting Authority with a view to prosecution.

We believe this successful action opens the way for more delinquency actions against disgraced directors and former directors of state-owned entities.

On 5 January 2022, the first report from the State Capture Commission of Inquiry confirmed that Myeni was delinquent and a corrupt, negligent and incompetent SAA chairperson. Deputy Chief Justice Raymond Zondo described in detail how Myeni was complicit in the airline's demise, whilst chairing the SAA board. He noted that Myeni went from being an under-performing member

of the previous board to acting chair and later the chair of the SAA board of directors. "She proceeded, through a mixture of negligence, incompetence and deliberate corrupt intent, to dismantle governance procedures at SAA, create a climate of fear and intimidation and make a series of operational choices at SAA that saw it decline into a shambolic state," said the report.

More on OUTA's legal battle to declare Myeni a delinquent director is [here](#).

- **Watching over Parliament:**
This failed institution must start holding the Executive to account

In February 2022, OUTA released our third annual oversight report on Parliament, *OUTA's Parliamentary Oversight Report 2021: MPs dragging their feet*. These annual reports are lengthy, detailed assessments of a selected number of parliamentary committees, looking at how parliamentarians perform oversight over the Executive. The 2021 report is 76 pages. Compiling these reports also involves engaging with parliamentary officials. OUTA believes that this annual report project is starting to make an impact, with committee chairpersons becoming more responsive to calls on policy making decisions.

Copies of this report were provided to Parliament's presiding officers, as were previous reports.

The report assessed the committees on various aspects, including how they assessed the performance of the departments over which they have oversight. For example, we looked at the recommendations the committees made on spending and poor performance, and changes recommended to the departmental budgets. One point noted is that committees do not use their powers to impose consequences on erring departments.

Like the previous two reports, the 2021 report found that parliamentarians fail to fulfil their constitutional duty to hold the Executive to account. Parliament is thus effectively a failed institution. "We want a Parliament that holds the Executive to account and welcomes public participation," said the report. The report findings include that Parliament has failed in its duty of constitutional oversight, some MPs have failed to uphold their constitutional oath of office, the public participation processes are still inadequate, even some MPs are not heard by Parliament, it is not clear that the party constituency offices funded by Parliament all exist,



and there is a strong need for structural reform. One example of failed public participation processes is the annual Budget: year after year, Parliament holds a public comment process including public hearings to gather input on the Budget, but every year the Budget is passed unchanged with no reference to that input.

“The improvement we are looking for is a responsive Parliament, that holds the Executive accountable, whose operations take place in a transparent manner and which shows a welcoming and proactive stance towards public participation. It is difficult to escape from the perception that Parliament has been hollowed out and filled with unethical people and, until that is addressed, we cannot expect any real accountability,” says the report.

Each of our previous reports was strongly critical of the failure by parliamentarians to hold the Executive to account, allowing state capture to become entrenched. Despite government’s claimed opposition to the erosion of state institutions due to state capture, this report finds no significant improvement in accountability by Parliament. Former ministers who were linked to state capture may have lost their positions in the Executive, but Parliament itself promoted some of these to leadership positions such as chairing committees.

OUTA also published a series of advocacy briefs explaining aspects of the report.

More on OUTA’s oversight of Parliament reports is [here](#).

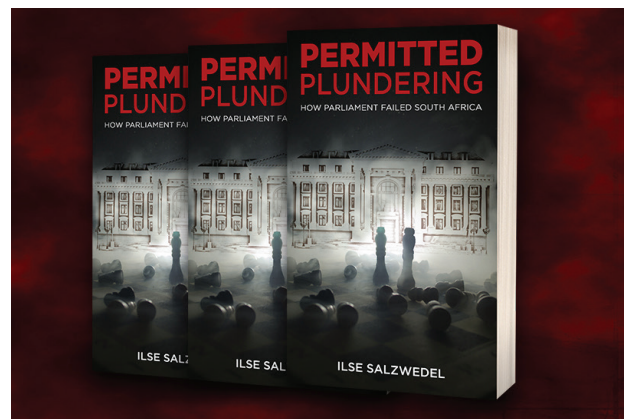
- **Permitted Plundering: Documenting the capture of Parliament**

In November 2021, OUTA launched our first book, in partnership with the Konrad Adenauer Foundation (KAS). *Permitted Plundering: How Parliament Failed South Africa*, written by OUTA’s Ilse Salzwedel, unpacks how

Parliament was captured, how it failed to protect the country against looting by government and state-owned entity officials, and what OUTA did to oppose this.

This book is a basic guide to state capture and a worthwhile read for South Africans who want to get actively involved in turning South Africa around and holding government to account.

This book built on OUTA’s submission in November 2020 to the State Capture Commission on the capture of Parliament, which detailed how Parliament failed to take action against state capture.



More information and how to get your own copy is [here](#).

- **The Budget: Watching the money**

During 2021/22, OUTA again kept watch on the national Budget.

In May 2021, OUTA made two submissions to the Standing Committee on Appropriations, one commenting on the Appropriation Bill from Budget 2021 and the other opposing the Special Appropriation Bill which moved part of SAA’s bailout to its subsidiaries SAA Technical, Mango and Air Chefs. OUTA also made an oral presentation to the Standing Committee on these Bills.

In October 2021, OUTA noted that the Medium-Term Budget Policy Statement again dodged the issue of a solution for e-tolls, but quietly acknowledged that e-tolls are a failure by shifting R3.740 billion within the Transport vote from non-toll roads to the Gauteng Freeway Improvement Project to support the failed scheme. National Treasury has been funding the e-toll shortfalls for seven years now.

In February 2021, OUTA made informal submissions to the Minister of Finance through the Treasury’s Budget

Tips processes, including a call for sufficient funding to decisively investigate, combat and prosecute state capture, corruption and tax evasion, and for more formal assistance for whistleblowers. Later that month when Budget 2021 was tabled in Parliament, OUTA welcomed the first year of no increases in the General Fuel Levy and Road Accident Fund levy in more than two decades, and the promise of a review of the fuel price. OUTA and other civil society organisations had repeatedly called for a hold on increases on these levies and for a review of the fuel price.

More on OUTA’s work on the Budget is [here](#).

• **Electoral reform:**
A long way to go



In June 2020, the Constitutional Court overturned sections of the Electoral Act as unconstitutional, paving the way for independent candidates to stand in national and provincial elections. The declaration of invalidity was suspended for two years, to give Parliament time to rewrite this law. OUTA was involved in this case as an amicus curiae (friend of the court) and supported the call to change the law to allow independent candidates. OUTA supports electoral reform to encourage greater accountability of elected candidates to the electorate rather than to their parties.

Parliament’s Portfolio Committee on Home Affairs did not pursue the introduction of a Bill to address the change needed in the law. This committee was chaired by ANC MP Bongani Bongo, who was removed from his position in August 2021 when he was charged in connection with corrupt activities. The Electoral Amendment Bill, which is aimed at complying with the judgment, was finally introduced to Parliament in January 2022, leaving just five months to process the Bill before the deadline. This has limited the opportunities for public participation on this very important piece of legislation on a complex issue. On 21 February 2022, OUTA made a submission to the Portfolio Committee on Home Affairs which was critical of this Bill as inadequate to meet the spirit of the Concourt judgment. OUTA and other civil society organisations have pointed out that this Bill has been presented as the only option, whereas there were other options which should have been presented to the public. Instead, the proposed Bill is intended to make as little change as possible and makes it difficult for independent candidates to gain seats. OUTA found very little evidence of active and widespread endeavours by Parliament to inform, educate and engage with the public on the Bill. OUTA contends that the failure to actively engage with the citizenry, on a matter directly influencing their constitutional rights, is an unconstitutional act in itself.

More on OUTA’s work on electoral reform is [here](#).

Budget 2022 - South Africa’s war against corruption
Funding for investigating & prosecuting corruption (and how it compares to protection for politicians)

National Treasury

South African Revenue Service
2021/22: R11.295bn
2022/23: R11.578bn (R1bn more than last year’s estimate for 2022/23)

Justice and Constitutional Development

National Prosecuting Authority - (Includes Investigating Directorate, Asset Forfeiture Unit & Office for Witness Protection)
2021/22: R4.536bn with 5 707 staff
2022/23: R4.910bn with 6 181 staff

Asset Forfeiture Unit (part of NPA)
2021/22: R195m
2022/23: R212m

Office for Witness Protection (part of NPA)
2021/22: R197m
2022/23: R220m

Special Investigating Unit
2021/22: R438m with 612 staff
2022/23: R452m with 733 staff
The SIU also charges departments for investigations

Police

Hawks - (Directorate for Priority Crime Investigation, listed as Specialised Investigations)
2021/22: R2.079bn
2022/23: R2.176bn

New Entities

The State Capture Commission recommended setting up new entities to combat corruption.

Anti-Corruption Authority
Public Procurement Anti-Corruption Agency

Nothing in Budget 2022, let’s hope for something in MTBPS 2022

Protection for politicians

VIP Protection Services and Static Protection
2021/22: R3.089bn
2022/23: R3.122bn

The Hawks, SIU, AFU and Witness Protection together get R3.060bn for 2022/23, which is less than VIP protection’s R3.122bn

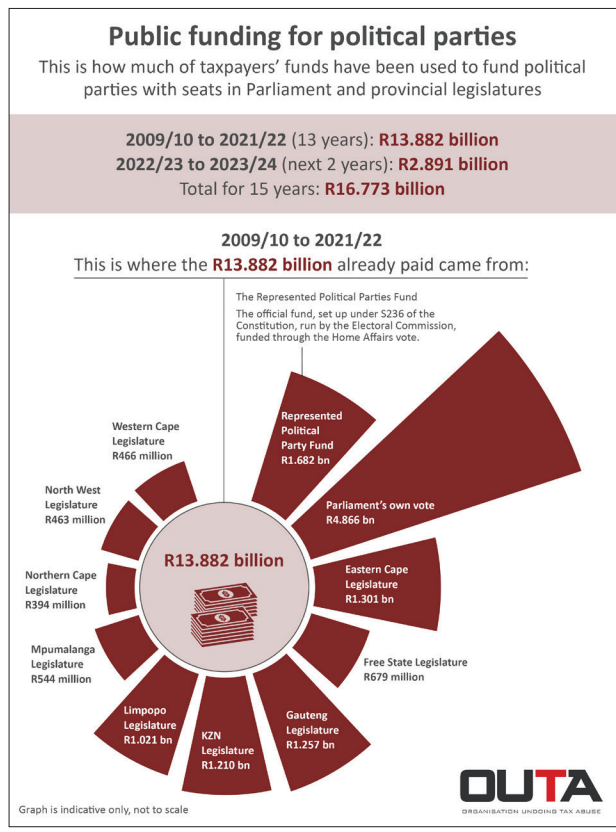
OUTA
ORGANISATION UNDOING TAX ABUSE

Political party funding:
Where are the constituency offices?

In June 2021, OUTA reported that taxpayers would indirectly fund political parties to the tune of about R375 million during 2021/22 from Parliament’s own budget, as funding for party constituency work. However, there is no accounting for the spending of these funds. OUTA investigated this further and, in October 2021, published a comprehensive report on the public funding for represented political parties. OUTA found that in the 13 years from 2009/10 to 2021/22, parties received R13.882 billion in public funding from 11 funding streams, some of which are legally questionable. In 2021/22 alone, the parties received R1.421 billion.

There is minimal accounting for these funds and only represented political parties receive funding which helps entrench their positions. A key justification for funding the parties (in addition to the constitutionally required funding which runs through the Electoral Commission) is that this is support for parties to run constituency offices so they can engage with the public. However, OUTA found that there is no list of constituency offices available and no confirmation that the funding was used for this. This investigation is continuing, as more financial records were obtained from Parliament through a Promotion of Access to Information Act request. OUTA wants to see clear public accountability for these funds, and for these funds to be substantially reduced.

More on OUTA’s report on political party funding is [here](#).



Supporting democracy:
The SABC Bill

POLITICAL PARTIES VS SABC

The next two years: 2022/23 and 2023/24

Parliament's planned funding for political parties, justified as support for democracy

R1 007 600 000 (R1 billion)

A better way of supporting democracy

What this could be spent on instead: Transfer these funds to the SABC as a subsidy for the public broadcaster

"The SABC has a unique role and responsibility to play as the public service broadcaster. The high rates of illiteracy in the country, the limited distribution and cost of newspapers and the cost of subscription television makes SABC the primary source of information for the majority of South Africans."

"A healthy democracy requires that the public be able to discuss, share and receive information relating to political, social and cultural matters affecting their lives. The public broadcaster plays a crucial role in strengthening democracy and democratic governance by ensuring that the general public, in particular, those with neither political nor economic influence or power, have access to a broad spectrum of views on issues of public concern."

— Judge Matojane, Johannesburg High Court, October 2017, case 81056/14

OUTA
ORGANISATION UNDOING TAX ABUSE

In August 2021, OUTA made a submission to the Department of Communications and Digital Technologies on the South African Broadcasting Corporation SOC Ltd Bill, pointing out the failure of the television licence system and calling for regular state funding for the SABC due to its value as a public broadcaster. The following month, based on that submission, OUTA made a presentation on the SABC Bill at the public hearings held by Parliament’s Portfolio Committee on Communication and Digital Technologies. OUTA believes that the television licence system has failed, but recommended that if licences are retained they should be treated as a tax. OUTA called for a regular state grant to fund the public broadcaster in the interests of democracy.

More about OUTA’s submission on the SABC Bill is [here](#).

Accessing information:
The 277 Free State laptops

In May 2021, OUTA referred information to the National Prosecuting Authority (NPA) about the procurement of 277 laptops procured at R4.579 million in 2014 by the Office of the Free State Premier. At the time of the procurement, Ace Magashule was the premier.

The referral was made in terms of section 27 of the NPA Act, which allows anybody to refer a suspicion of criminal activities directly to the NPA by way of a sworn affidavit via the investigating arm of the NPA, the Investigating Directorate (ID). This unit was established by way of a proclamation by President Cyril Ramaphosa and tasked specifically to help expose and prosecute state capture. OUTA’s referral was based on information and documents

obtained from the #GuptaLeaks database. OUTA found that no procurement processes were followed in this purchase and payment was made but there was no confirmation that the laptops were in fact received. The laptops were procured from Sunbay Trading (Pty) Ltd, a company with Kamal Vasram, a former director of Estina, as sole director. According to Free State Premier's Office annual report for 2014/15, the laptops were procured for community development workers. OUTA found that the computers were procured as a result of a pre-arrangement between the Gupta-owned Sahara Computers and the Office of the Premier. Provisions of the supply chain management rules and the Public Finance Management Act were ignored. Documents obtained from the #GuptaLeaks included e-mails tracking the purchase.

More on this referral to the NPA is [here](#).

- **Accessing information:**
Vehicles for the Mpumalanga Premier

In April 2019, OUTA made a request for documents in terms of the Promotion of Access to Information Act from the Public Protector. The documents requested were those in the Public Protector's report of May 2019 which had exonerated former Mpumalanga Premier David Mabuza (now Deputy President) of procurement irregularities on the purchase of four official vehicles for him when he was Premier. The Public Protector's report found that the procurement was irregular, but exonerated Mabuza of any involvement. OUTA sought the records used to exonerate Mabuza. The Public Protector failed to provide the documents and OUTA filed legal action to compel this. This matter reached court during 2021 and, in September 2021, the Pretoria High Court ordered the Public Protector to provide OUTA with the records requested. After the court order was served, the Public Protector provided OUTA with some of the documents and, on 22 October, the Public Protector's Office filed an affidavit in the high court explaining that the documents could not be found, and alluding to the fact that the Public Protector's report on Mabuza had been set aside by the high court.

- **Transparency:**
Improving access to information

During 2021, OUTA assessed the mechanisms in the Protection of Private Information Act and the amendments to the Promotion of Access to Information

Act (PAIA) in relation to the new Information Regulator. OUTA compiled two reports dealing with the main powers of the Information Regulator and international best practice. OUTA worked with a civil society initiative headed by Media Monitoring Africa (MMA) on proposals for reforming PAIA and, in November 2021, OUTA made inputs on this to the MMA collective and attended an MMA workshop on this.

For more on OUTA's thoughts on the Information Regulator, see [here](#).

- **Accessing information:**
The Services SETA contract



OUTA has been investigating corruption in the Services Sector Education and Training Authority (the Services SETA) since 2018, when we exposed the Services SETA's R163 million contract with Grayson Reed, a company which used a false name and charged the SETA exorbitant amounts for dubious services.

In January 2019, OUTA filed an application to the Services SETA in terms of the Promotion of Access to Information Act, asking for a specified list of documents relating to the Grayson Reed contract. Three months later the Services SETA provided four documents but refused access to the rest, and subsequently dismissed an internal appeal against that refusal. OUTA filed a legal challenge to the refusal in the Johannesburg High Court and in November 2021 – 34 months after the initial information request – the court ordered the Services SETA to hand over the documents to OUTA. OUTA regards this as a win for

transparency, as we believe the Services SETA has been hiding a corrupt contract and that the documents will confirm this. The documents received are being assessed.

More on OUTA's work exposing Services SETA corruption is [here](#).

- **Metro mistakes:
The Ekurhuleni valuation roll**

In June 2021, OUTA worked with the Bedfordview Residents' Action Group to alert Ekurhuleni Metro ratepayers to allegations of inaccuracies in the metro's new valuation roll for 2021-2025, and the looming deadline for objections. In many cases the property values were increased exorbitantly, which would result in huge increases on rates bills. OUTA called on Ekurhuleni to extend the deadline for objections and to take electronic objections, particularly in the light of the pandemic. OUTA also advised residents on how to file objections and lodge a formal dispute in an attempt to avoid higher payments until their objections are resolved.

More on this is [here](#).

- **Milnerton Lagoon pollution:
Holding the City of Cape Town to account**

In early 2020, OUTA started putting pressure on the City of Cape Town to find solutions to the pollution – mainly by sewage – of the Milnerton Lagoon and Diep River system, after the residents' associations asked for help. The lagoon forms part of the Table Bay Nature Reserve, which is managed by the City. This is an environmental and health issue, and OUTA has been very vocal on this.

OUTA has submitted various complaints about the water quality to the City of Cape Town and the Western Cape Department of Environmental Affairs and Development Planning (DEADP). OUTA has had various engagements with the City and DEADP.

We believe that the City should improve the sanitation infrastructure in Joe Slovo Park and repair the Potsdam Wastewater Treatment Works (WWTW). Resolving these problems will also help address the pollution in the lagoon. Since 2020, OUTA has arranged for independent testing of water samples to be taken along various points of the Diep River, and these results point to the Potsdam WWTW, which are managed by the City of Cape Town, as the main source of the problem, with other sewerage



infrastructure also contributing.

OUTA has lobbied the DEADP and its Green Scorpions enforcement unit to take action against the City. In September 2020, the Green Scorpions issued the City with a directive, ordering it to remedy the state of the Diep River and Milnerton Lagoon; this was modified in January 2021 but the main directive remains. Throughout 2021/22, OUTA put pressure on the DEADP and the national Department of Water and Sanitation to enforce the directive and hold the City to account. In late 2021, the Green Scorpions issued an updated compliance audit on the City's clean-up efforts, which found that the City complied with just five of the 16 conditions imposed, was partially compliant on 10 conditions and non-compliant on one. By the end of 2021/22, OUTA was considering possible legal action against the City to address the pollution problem.

As part of this, OUTA has brought various requests for information in terms of the Promotion of Access to Information Act (PAIA), mainly against the City of Cape Town. In March 2021, a PAIA request went to the City in connection with information on the Potsdam WWTW and related issues. Much of this was eventually provided, but the City could not find some of the documents. In December 2021, OUTA submitted another PAIA application to the City, requesting more documents relating to compliance and licencing at the Potsdam WWTW. Some of the requested documents were received a week later, access to the rest (some of this redacted) was received by February 2022, and OUTA is assessing the information. Also in December 2021, OUTA submitted a PAIA application to the Department of Water and Sanitation; this information was received. During 2021/22 OUTA also put pressure on the City of Cape Town to make its water quality data publicly available, as this information should not be confidential. By the end of the year the City was publishing this information on its website.

More on OUTA's work on this issue is [here](#).

- **Still sought:
An Independent Water Regulator**

In 2019, OUTA started collaborating with Water Shortage South Africa to garner support for the establishment of an Independent Water Regulator. We believe this is crucial to address the critical failures by government – in some instances outright abandonment of responsibility – in safeguarding our nation’s water sources and regulating the sector. The national water crisis, characterised by failing municipal infrastructure, a lack of long-term planning and implementation, the growing failure of sewage treatment plants and the lack of accountability for failures, constitutes a powerful case for establishing an Independent Water Regulator.

We have struggled to get Parliament to take this matter seriously and respond to our attempts to engage. In May 2021, OUTA again wrote to the Portfolio Committee on Human Settlements, Water and Sanitation, reiterating our request to discuss our call for an independent water regulator with the committee. The committee responded, indicating that it believes that such a regulator is long overdue and requested additional information, which OUTA provided. This is a major breakthrough and may result in an innovative policy developed by OUTA being formulated into policy or law by Parliament.

In August 2021, the government’s draft National Infrastructure Plan 2050 was published, which includes an independent water regulator. Further engagements are expected during 2022. More on this [here](#).

- **National Nuclear Regulator:
Secrecy blocks accountability**

During 2020/21, OUTA and other civil society organisations campaigned for the board of the National Nuclear Regulator to include the legally required civil society representative. The board, approved by Cabinet in August 2020, ran without that representative and the Ministry and Department of Mineral Resources and Energy declined to explain the omission. On 21 April 2021, eight months after the board was appointed, Cabinet approved the appointment of four more board members, including Koeberg Alert Alliance’s Peter Becker, who was backed by OUTA as the civil society representative. However, on 17 January 2022, the Regulator blocked Becker from a board meeting and Minister of Mineral Resources and Energy Gwede Mantashe then removed him from the board, citing misconduct, which Becker denied. The meeting which Becker was barred from attending took a decision on extending the life of Koeberg



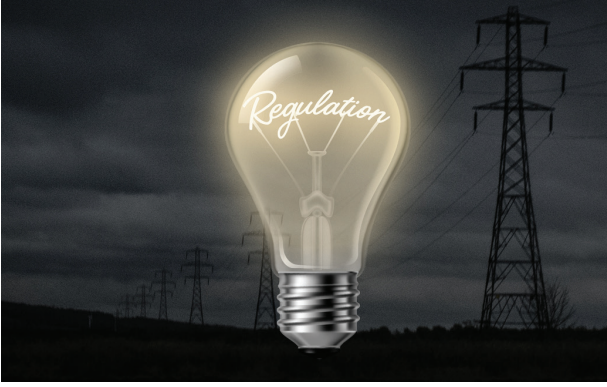
nuclear power station, a project which has not gone through any public consultation process. OUTA opposes the removal of Becker from the board. In February 2022, OUTA submitted a request in terms of the Promotion of Access to Information Act for copies of minutes, board resolutions and decisions from all regulator board meetings during January and February 2022, all recordings or transcripts of board meetings attended by Becker, and all reports submitted by the regulator to the Minister in support of the regulator’s request that the Minister suspend Becker from the board. This matter continues in 2022/23.

In September 2021, OUTA made a submission to the Department of Mineral Resources and Energy on the draft National Nuclear Regulator Amendment Bill, recommending the strengthening of the regulator in line with international standards. Our submission focussed primarily on provisions (and lack thereof) for transparency, conflicts in legal interpretation considering the wide range of legislative framework as well as financial aspects and security of nuclear disasters and sites. OUTA also emphasised the need for transparency, in the light of SA’s history of nuclear industry secrecy and nuclear waste legacy.

- **Electricity prices:
Challenging high prices**

In May 2021, OUTA made submissions to the City of Johannesburg on the City’s proposed budget for 2021/22. Part of the submission opposed the proposed new monthly charges for prepaid domestic and business electricity tariffs. The City subsequently dropped this plan.

In October 2021, OUTA made a submission to the National Energy Regulator (NERSA) on the regulator’s consultation paper on reviewing the Multi-Year Price Determination (MYPD) methodology, which is used to set the electricity prices. OUTA welcomed the review, but



called for a more thoughtful, inclusive and longer public consultation process, as NERSA gave the public less than a month to comment on a very technical matter.

More on the pricing methodology is [here](#).

- **No new nuclear power:
Monitoring nuclear build plans**

The Department of Mineral Resources and Energy intends to move ahead with procuring new nuclear power. OUTA is opposed to new nuclear build, on the grounds that government's own policy notes that renewable energy is the cheapest form of energy, and that a nuclear power build would take years, be a magnet for corruption, very likely bankrupt South Africa and make electricity even more unaffordable.

In June 2020, Minister of Mineral Resources and Energy Gwede Mantashe issued a non-binding Request for Information on building 2 500 MW of new nuclear power. In August 2020, the Minister sent the National Energy Regulator (NERSA) a request to concur with his determination (authorisation) in terms of section 34 of the Electricity Regulation Act that South Africa needs another 2 500 MW of new nuclear power. NERSA announced this in November 2020 and called for public comment. In February 2021, OUTA opposed this determination in a submission to NERSA. However, in August 2021 NERSA concurred with the Minister's determination. The reasons for decision were not published with the decision announcement. OUTA wrote to NERSA, asking in terms of the Promotion of Administrative Justice Act for these reasons and the suspensive conditions. NERSA's reasons for decision for concurring with the determination were finally published in November 2021, which included suspensive conditions. The Minister has told Parliament the department intends to complete procurement for the new build by 2024.

During 2021, Eskom revived plans to use Thyspunt near St Francis Bay in the Kouga municipality in the Eastern Cape as the site for a new nuclear power station. Eskom

refers to this as an early site permit, independent of a specific nuclear power plant design, to evaluate the suitability of Thyspunt for a new nuclear installation, not an application to build. On 30 July 2021, OUTA made a submission to the National Nuclear Regulator, opposing Eskom's application for the Thyspunt licence, saying the application lacked crucial information needed for public comment and that government has not produced a feasibility study for a new nuclear power plant. OUTA followed this up by presenting this submission at a public hearing. The regulator's decision is awaited.

The department and Eskom are also going ahead with plans to extend the life of Koeberg nuclear power station. OUTA is concerned about the lack of transparency in this process and the costs, reported to be about R20 billion. In September 2021, OUTA submitted an application in terms of the Promotion of Access to Information Act to Eskom, requesting documents relating to the extension of Koeberg's life beyond 2023, including the legal permissions and the build contracts. This matter is continuing. In January 2022, OUTA wrote to Eskom and the National Nuclear Regulator, querying the extension of life project and asking what happened to the public participation process required for extending the operating licence.

More on OUTA's opposition to new nuclear build is [here](#).



- **Karpowership licences:
A 20-year "emergency" contract**

In August 2021, OUTA submitted a formal objection to the National Energy Regulator (NERSA) over the Karpowership applications for generation licences for three floating storage and regasification units in South African harbours. This followed the naming of Karpowership as a preferred bidder in the Department of Mineral Resources and Energy's Risk Mitigation Independent Power Producers Procurement Programme, the emergency electricity generation programme. The Karpowership deal would be for 20 years and could cost

as much as R218 billion. OUTA's submission pointed out the lack of essential permits, the lack of any indication that Eskom would buy the power, the legal challenge by an unsuccessful bidder who alleged corruption in the bid awards, the lack of clarity on the tariffs, the concern that the gas costs are indexed to the US dollar market price of gas, and the significant lack of transparency. OUTA also made an oral presentation about our objections at the NERSA public hearings in August 2021. In September 2021, NERSA approved the three Karpowership generation licences but we had to wait another month for the reasons for decision.

In February 2022, OUTA wrote to NERSA to object to the shortcomings in the public participation process on a new set of Karpowership licence applications: those

related to building and operating gas facilities and trading in gas. OUTA noted that only some of these applications were advertised for public comment, that the adverts ran in a regional newspaper with a locked website during the year-end holiday period thus severely limiting the number of people who would see them even though this is a national issue, and that although the adverts claimed that the full applications were available on the NERSA website for viewing these documents were not loaded until at least a month later. These actions and lack of transparency undermined the validity of the public participation process.

For more on OUTA's work on this, see [here](#).



THE NEW OUTA SOCIAL INNOVATION DIVISION

2021/22 HIGHLIGHTS

- This is a new OUTA division, focusing on **social innovations to encourage networking and activism in communities, aimed at encouraging effective participation in local government and holding government to account.** Government works for us and we must ensure it delivers.
- **We developed and launched the Link app** in December 2021 in the Kouga Local Municipality in the Eastern Cape to **encourage improved service delivery by municipalities,** and we are looking forward to rolling it out in more municipalities throughout 2022.
- **We developed and launched the Community Action Network (CAN)** in December 2021, to help organise active citizens in their communities and empower them to have a voice in their municipalities.
- **We started developing the Water Community Action Network (WaterCAN),** a network of water champions and citizen scientists, to protect water sources throughout South Africa, which will be launched in 2022.



JULIUS KLEYNHANS
EXECUTIVE MANAGER:
SOCIAL INNOVATION

THE TEAM

OUTA's new Social Innovation Division was set up during 2021/22, specifically to develop tools that enable local government to work smarter, and give communities greater access to their municipalities.

The team is developing three digital tools: the Link mobile app, the CAN platform, and the WaterCAN platform.





The OUTA Link mobile app

We developed the Link mobile app to be used by municipalities and their communities, as a tool to improve service delivery in municipalities.

Link provides a smart platform for communities to report a range of faults to municipal administrators, and generates performance dashboards and best practice information for municipalities and oversight bodies. It is intended to reduce the municipal administrative burden and help to improve service delivery. The Link app is loaded on a cellphone and gives residents an easy, effective way to communicate directly with their municipality about problems or service issues within their community. The app provides a reporting service, so residents can report problems such as faulty traffic lights, potholes, water leaks, sewage overflows, illegal dumping and more. The app connects the residents with municipal incident management teams, enabling accurate and efficient reporting of problems that require municipal attention. It's quick and easy – the entire reporting process can be done in seconds, all from a mobile phone, and the municipality can use the app to provide feedback on the query or complaint. If complaints are not resolved, users can repeat reports to encourage the municipality to address the issue.

From a municipal point of view, the Link app backend portal enables efficient municipal administration by enabling the prioritisation of actions, cost saving

through accurate reporting, better communication with residents, performance tracking, the measuring of workstream performance and the reduction of pressure on call centres. The app's reports and dashboards provide valuable information for municipal management.

The product launched in Kouga Municipality in the Eastern Cape in December 2021. We are in discussions with other municipalities such as City of Cape Town and the Dr Beyers Naudé Local Municipality and may be in your municipality soon.

Find out more and download the app: www.linkapp.co.za

Community Action Network (CAN)



CAN is another OUTA social innovation project, with the trial version launched in December 2021 and due to be rolled out throughout 2022 in various communities. This is a digital platform that was developed to put the power back into communities' hands, by providing a digital network and organisational tools for local community

organisations, to enable them to engage effectively with local government.

CAN provides easy-to-use tools to community organisations, which offer efficient supporter management, enable crowd funding, promote effective communication, provide seamless organisation management and help drive powerful community action. CAN is a platform that unites our collective voices and provides a space for residents to explore the potential of community collaboration to improve their lives. It enables people to work together to challenge local authorities and hold them to account for the services for which residents and ratepayers are regularly and substantially billed.

The structure gives active citizen networks the opportunity to invest in the future they want to see while offering a wealth of resources, guides, and tools that enable them to become effective and vigorous community members.

The community association registers on the platform, using it to set up a CAN-supported website for the organisation. This enables the organisation to communicate with its members and have new members sign-up with little to no fuss. This may also be used to create the sustainable resources needed to be effective. CAN provides great networking opportunities for a specific organisation as well as for networking between organisations, with an ever-increasing set of resources, to encourage digital community activism.

Find out more here: www.can.org.za



WaterCAN is another social innovation project which OUTA is developing and is due to launch in 2022.

This project focuses on developing a network of water champions and encourages citizen science to create the collection and sharing of information on water quality to enable communities to protect and conserve South Africa's water resources. The intention is to improve transparency on water quality.

The WaterCAN project is intended to enable united citizen action to put pressure on the relevant water authorities to improve management, planning and quality of water resources. We aim to do this through the responsible and constructive use of accurate information, and enabling citizens to drive the process rather than relying on government to do so, ultimately empowering and motivating citizens to understand their rights and to hold authorities to account.

This project will roll out campaigns and tools to drive responsible water activism in South Africa.

Find out more here: www.watercan.org.za



SUSTAINABLE DEVELOPMENT GOALS

1 NO POVERTY 	2 ZERO HUNGER 	3 GOOD HEALTH AND WELL-BEING 	4 QUALITY EDUCATION 	5 GENDER EQUALITY 	6 CLEAN WATER AND SANITATION
7 AFFORDABLE AND CLEAN ENERGY 	8 DECENT WORK AND ECONOMIC GROWTH 	9 INDUSTRY, INNOVATION AND INFRASTRUCTURE 	10 REDUCED INEQUALITIES 	11 SUSTAINABLE CITIES AND COMMUNITIES 	12 RESPONSIBLE CONSUMPTION AND PRODUCTION
13 CLIMATE ACTION 	14 LIFE BELOW WATER 	15 LIFE ON LAND 	16 PEACE, JUSTICE AND STRONG INSTITUTIONS 	17 PARTNERSHIPS FOR THE GOALS 	

Most of OUTA's projects incorporate one or more of the United Nations Sustainable Development Goals.

OUTA STAKEHOLDER ENGAGEMENT



How to engage with your community



Your Neighbours

1. Make contact with your neighbours around you, share your details with them and provide them with yours. This way you can contact them with concerns or questions about your area.
2. Encourage them to do the same, and to encourage their neighbours to follow suit.
3. Create a Whatsapp/Telegram group and invite all your neighbours to join.



Your Immediate Community

1. Do a Facebook search of your suburb's name, and join groups that discuss local issues, such as electricity outages, security concerns etc.
2. Ask in these groups about area chat groups.
3. Contact the local security companies in your area and ask to join their chat groups.
4. Ask your neighbours and ward councillor about area chat groups.
5. Join and support your local residents' or community association.
6. Encourage your community association to participate in municipal public engagement meetings.
7. If none of these exist, start your own.



Community Policing Forum (CPF)

1. Ask your ward councillor and security companies for the CPF contact.
2. Join their chat groups.
3. Volunteer where possible.



Keep Important Community Contact Numbers

1. Your Neighbours.
2. CPF.
3. Ward Councillor.
4. Local Emergency Numbers - Fire station, SAPS etc.



HOW OUTA IS FUNDED

OUTA's funding journey from inception in April 2012 to February 2022

Over the 10 years from OUTA's inception in April 2012, OUTA has generated donor support of almost R253 million. From the table below, one can see that 69% of our support comes from individuals while close to 29% is from business entities, which are largely from the SMME sector.

OUTA INCOME BREAKDOWN: 2012/13 TO 2021/22 (10 YEARS)			
	INCOME OVER 10 YEARS	AVERAGE PER ANNUM	% OF TOTAL
TOTAL INCOME	R252.57m	R25.26m	100
Individuals	R174.20m	R17.42m	69
Business	R72.36m	R7.24m	28.6
Other*	R6.01m	R0.60m	2.4

* Donor funding for specific project

OUTA's revenue-generating strategies can be split into two distinct eras of its 10 years of operation. The first part was the four years from March 2012 to February 2016, when OUTA was funded largely by big business to cover the initial litigation costs of the 2012/13 high court challenge to review the government's e-toll decision. At that time, the organisation was known as the Opposition to Urban Tolling Alliance and comprised an alliance of NGOs: the South African Vehicle Renting and Leasing Association (SAVRALA); the Retail Motor Industry Organisation (RMI); the South African Travel Services Association (SATSA); the QuadPara Association of SA (QASA); and the South African National Consumer Union (SANCU). SAVRALA initiated OUTA and was the main funder during the litigation cases of 2012 and 2013, but ended its support due to government pressure against the e-toll challenge.

The second period is the six years from March 2016 to February 2022. During this period OUTA introduced a continuous crowd-funding model, encouraging more

support from individuals and smaller businesses, following its decision to launch a collateral challenge on behalf of motorists against the e-tolls along with a broader corruption-fighting mandate. In March 2016, OUTA's name changed to the Organisation Undoing Tax Abuse.

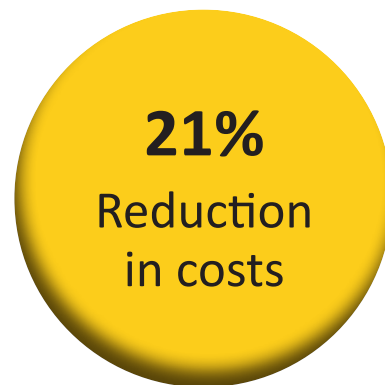
During the past six years, OUTA grew significantly in its funding, structure and strategic output, which incorporated not only a focus on the e-toll issue but also the development of another 230 projects since February 2016, enabling the employment of more than 40 people to carry out the work.

OUTA has raised 94% of its funding in the past six years under its broader mandate, and most of that income has come from individual donors.

OUTA FINANCIAL INFORMATION

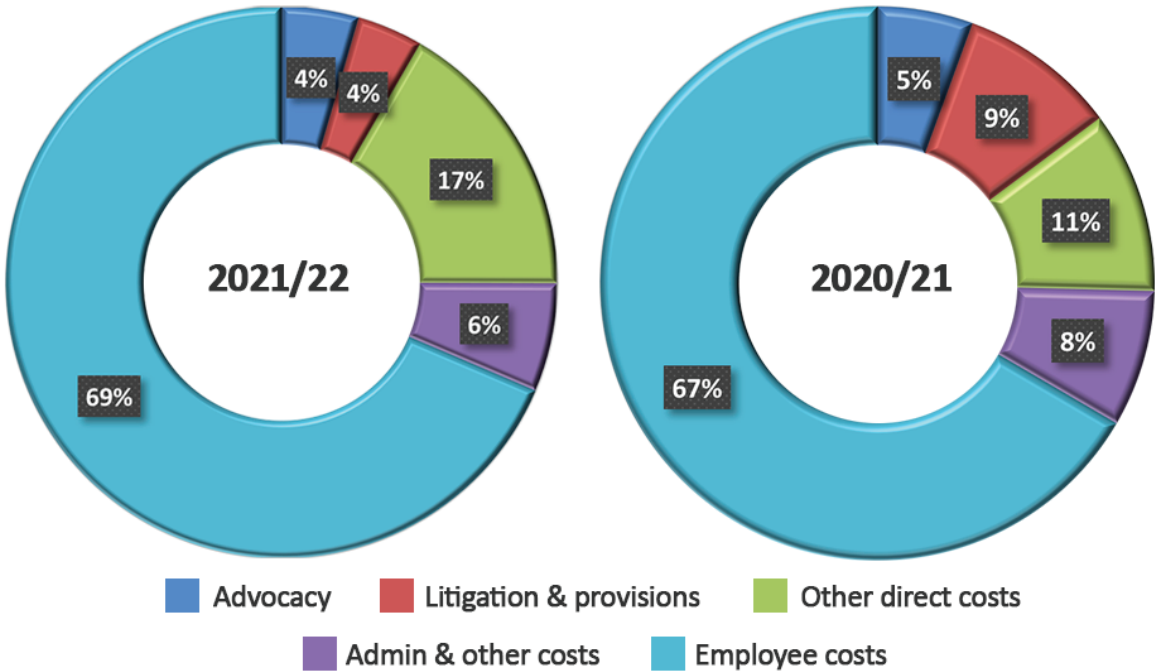
The South African economy remained sluggish throughout the past year, on the back of the Covid-19 pandemic.

- After losing 8% of our revenue in 2020/21 compared to the prior (pre-Covid) period, we are pleased to have managed to retain our donation income levels at R38.7 million for the 2021/22 financial year.
- On the expenses front, as with every year and normal in the NGO space, our biggest expense pertained to employee costs at R27.2 million, some 2.3% up on the prior year.
- Our headcount reduced by one to 43 people and turnover was 9% of our headcount. Direct costs (including provisions for litigation on new project developments) came in at R9.9 million, some 5% below that of last year.
- OUTA's provisions are invested in fixed-term deposits and in 2022, these yielded an additional R930 000, which was 11% down on the prior year due to lower interest rates for the majority of the year.
- During the year, other operational and administrative costs were reduced by 21% year-on-year and cash on hand improved by R2.3 million, and was allocated to provisions for new projects and litigation.



FINANCIAL YEAR

2021/22		2020/21
R 38.7m	DONOR INCOME	R 38.9m
R 9.9m	DIRECT COSTS <small>(Including provisions for litigation)</small>	R 10.2m
R 27.2m	EMPLOYEE COSTS	R 26.6m
R 2.5m	OTHER OPS COSTS	R 3.2m
R 1.2m	OTHER INCOME <small>(Including legal costs recovered)</small>	R 1.4m



43	HEADCOUNT <small>(Average throughout the year)</small>	44
22	NUMBER OF NEW PROJECTS <small>(Projects opened during the year)</small>	49
25	NUMBER OF CLOSED PROJECTS <small>(Projects closed during the year)</small>	72
39	NUMBER OF OPEN PROJECTS <small>(At the close of the year)</small>	42

- 2% increase in employee costs
- 2% reduction in direct costs
- Donor income static year-on-year.
- Operations cash generated improved by R2.3m on prior year



OUTA

ORGANISATION UNDOING TAX ABUSE



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