

OUTA

ORGANISATION UNDOING TAX ABUSE

ANNUAL REPORT

2022/23



We put the *action* into activism



“Preventing public corruption also requires an effort from all members of society at large. For these reasons, the Convention calls on countries to promote actively the involvement of non-governmental and community-based organizations, as well as other elements of civil society, and to raise public awareness of corruption and what can be done about it.”

United Nations Convention Against Corruption

OUTA
ORGANISATION UNDOING TAX ABUSE

www.outa.co.za

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, water, 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.



Holding government accountable

OUTA VISION

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

OUTA MISSION

Using clear, effective methodologies and project management processes, through multi-disciplined 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 to improve administration and service delivery, in all spheres of government.

OUTA VALUES

Integrity | Resilience | Courage | Tenacity
Humility | Inclusivity | Accountability



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We put the *action* into activism

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OUTA CHAIRPERSON'S REPORT



WYNA MODISAPODI – OUTA CHAIRPERSON

And just like that, another financial year has passed like a whirlwind, amidst the persistent Eskom blackout and total despair, and the disintegration of national and local infrastructure.

The headwinds faced by businesses across all sectors have been more dilapidating, with the cost-of-living skyrocketing for all South Africans and the financial impact of Covid-19 still reverberating loudly.

The woes of the lacklustre year have been challenging as far as donation growth is concerned, with the tough economic conditions being a major contributor to a decline in supporters who cannot afford their monthly or annual contributions. It was a case of treading water to get new supporters on board at a slightly slower pace than the drop-off, with our total donation income of R38.4 million being 0.8% below donations received in the prior year.

Our operating expenses, however, increased by 10.5% on the prior year due to increased employee expenses, litigation expenses, systems, and other operational expenses. However, the Audit and Risk Committee (ARC) continues to monitor financial management and the resultant risks stringently.

The net effect reduced our provisions by around R1.7 million, which was in line with the budget, but obviously something we want to change and remain cash positive going forward.

The board and management are enthused with the development to date of the CAN, WaterCAN and Link community initiatives approved by the board about two years ago. However, they continue to make progress in their development and are still in their infancy of launch. Their administrative costs are not as yet being covered by the expected income, this being the main reason for our negative cash flow. Again, this is an area that is also closely monitored by the ARC, with regular updates to the board.

A total of 27 new projects were opened in the course of the FY2022 and 25 projects were closed, with 41 projects still in progress at the close of the year, as we continue to align costs with projects we approve to embark upon.

The highlight of the year was the recognition finally given by the Minister of Finance that the Gauteng Freeway Improvement Project freeways will no longer be funded through the e-toll scheme, but instead would receive funds from the fiscus, which is a matter OUTA has advocated since its inception. Government still has to make a final announcement for the e-toll scheme's closure.



Other projects which are underway are the AARTO challenge, the Sanral toll concessionaire projects, the challenge to the declaration of the state of disaster, which was opened at the end of the financial year, and a host of other matters pertaining to driving licence issues, corruption in the Services Sector Education and Training Authority, the Karpowership matter, electoral reform and many more, which are reflected on in OUTA's annual report.

While my chapter as the Chairperson of OUTA comes to an end, allowing a new member to assume the roles and responsibilities of the Chair, I am honoured to avail myself as a non-executive member for the next year. I reflect with immense pride at the significant contribution that OUTA together with other civil society organisations continues to make in upholding the tenets of our Constitution. The corporate governance framework has improved significantly, the operational costs have been cut to the bone, and the high calibre of non-executive directors recruited over 12 months ago will take the organisation to the next level and ensure OUTA's relevance in the South African socio-political landscape.

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).

“I reflect back with immense pride at the significant contribution that OUTA, together with other civil society organisations, continues to make in upholding the tenets of our Constitution.”

OUTA CEO'S REPORT



WAYNE DUVENAGE – OUTA CEO

This is the 11th financial year for OUTA, ending another successful year for the organisation, which is reflected in our 2022/23 annual report. Sadly, however, while our work speaks volumes for the role and positive impact that civil activism can achieve, it doesn't quell the high levels of frustration and anxiety that permeate society from another wasted year of declining public service delivery for South Africans.

In 2018, when Cyril Ramaphosa took up the Presidency and sold us his "Thuma mina" dream, the public at large were indeed elated at the prospect of a new era of growth and improved service delivery. Sadly, this was not to be and Ramaphosa, along with the ruling party's executive members, skipped into step with ongoing cronyism, corruption, and party centred governance, leaving the dream of growing prosperity behind.

The past year has certainly underlined the need for OUTA and civil society organisations to continue in the defence of our hard-earned democracy and state resources, and the pressure to do more is constant. Every day the collective OUTA wishes we could do more, but our limited resources curtail our energy and efforts.

Another busy year for OUTA, under tough economic conditions

Over the 2022/23 financial year, we opened 27 new projects and closed off 25, with 41 open projects carried over into the new financial year. The projects we approve align with OUTA's strategic intent, but just getting to the approval stage requires the evaluation of many potential projects, investigations, research, whistle-blower engagements 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 our dedicated team of 45.

Just as the tough economy impacts on revenues for business, so too this plays out in our quest to raise funds for our work, which is 98% raised from individual and business supporters. The average number of donors in the 2022/23 financial year has decreased by slightly over 4%, while the actual value of donations was down only 0.8%.

The body of our annual report features many of the initiatives and projects undertaken throughout the year, the most prominent being: the ongoing AARTO saga (still awaiting judgment at the time of writing); the challenge to seek transparency in NERSA's Karpowership decision; challenging corruption within various Sector Education and Training Authorities and the National Student Financial Aid Scheme; three court challenges

pertaining to transparency within Sanral's toll route concessions (N3TC, TRAC and Bakwena), along with many issues related to corruption, lack of transparency and poor policy.

A highlight of the year was Government's decision to pull the e-toll plug on financing the Gauteng freeway upgrade. However, despite this decision, many months later the e-toll scheme remains operational while the authorities continue to fumble with their plan to turn it off.

Influencing accountability and service delivery in local government

Our new initiatives continue to evolve in the space of influencing active citizenry and accountability in local government, these being the Community Action Network (CAN) and the Link mobile app for reporting infrastructure and service delivery issues.

The need for these initiatives is heightened every day, as service delivery failure and municipal decay continues to mount in the space of Local Government,

The introduction of WaterCAN (born out of the CAN initiative), headed up by Dr Ferrial Adam, has taken off a lot faster than envisaged. This "citizen science" based approach to the transparent and timeous measurement of water quality in South Africa has received a lot of traction, which is not surprising given the growing deterioration of water matters in the country.

Growing concerns about possible state failure

The numerous failed public service systems and mounting service delivery issues within many areas of the public sector are the topic of daily discussions from boardrooms to dinner table gatherings.

Following an exhaustive and drawn-out State Capture Commission, the fact that minimal arrests or meaningful accountability have emanated from the commission's work is frustrating and disappointing. The real concerns relate to the ineffectiveness of our criminal justice system and

more so to the lack of proficiency or effective crime prevention outcomes from the South African Police Service.

While it's not a case of nothing being done, far too little is being done. Accordingly, the public and business anxiety plays out in the lack of investment and growth in our economy, as confidence wanes in government's ability to address the many crises, from electricity, to education, health, security, unemployment and growing poverty.

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

Over the past year I have attended numerous meetings and discussions involving various sectors of civil society, from NGOs to business, faith-based entities and labour, in an effort to explore avenues to place Government under pressure to rectify our national decay.

Attending these collaborative sessions in search of constructive solutions consumes precious time and energy by many thought-leaders across many sectors.

Despite the extent of our challenges, we must not become complacent or accepting of poor state performance. Many of our successes in the past years have been essential in staving off poor decisions by Government and saved the country billions of rand, which indicates that effective civil interventions are possible and more of this work is desperately needed.

2024 national elections loom with mixed feelings of hope and trepidation

There are strong predictions that our next elections (due in mid-2024) will not see a dominant (50%+) party elected to appoint our President and cabinet. This means we will be entering the precarious space of coalition politics at a national level for the first

OUTA CEO'S REPORT – continued

time, and if our local government coalition antics are anything to go by (specifically pertaining to the metros in the Gauteng area), we are in for some really trying times.

OUTA believes that civil society will need to play a bigger role in voter education and driving improved turnout at the polls, along with increased demands for good governance and leadership within the public sector. Further, meaningful participation and support from big business will be required in such projects to place more pressure on Government to fulfil its duties to the nation.

Resilience without blinkered optimism

Every day I rise evermore grateful for the energy and efforts of the OUTA team (the “Outarians”), who remain focused on the job at hand, despite working in an environment shrouded in the doom and gloom of tackling corruption and maladministration. As frustrating and depressing as this situation may appear to be, OUTA team members are energised and passionate in their collective efforts to counter the impact of corruption and maladministration,

making OUTA a highly motivating and positive place to work.

I send a strong message of thanks to all our supporters, individuals, families, and businesses alike, for their ongoing support. We are unable to do our work without the contributions we receive, which keeps our team members employed and focused on the challenges we take up on behalf of SA citizens.

We need your support, and ask everyone who is connected to OUTA in any way to spread the word – and challenge your colleagues and friends to sign up at www.oua.co.za/joinnow.

I would like to thank our chairperson, Wyna Modisapodi, for her diligence, support and time while chairing the board over the past year. For personal reasons, Wyna has decided to step down as chair, but has agreed to remain as a non-executive board member, which is encouraging and appreciated. My thanks also to the rest of the board who diligently play an extremely important role in ensuring our governance processes and oversight are in place throughout the year.



In November 2022, OUTA hosted our first Business Breakfast. From left are chartered accountant and radio host Khaya Sithole, who facilitated the event, Constitutional Hill's head of corporate outreach Nyeleti Magadze, OUTA CEO Wayne Duvenage, the Rivonia Circle's Likhona Mnguni and investment banker Mark Barnes.



“If you are angry at our government, you have every right to be. We need leaders who will put the country – and not the party – first. It is time to liberate South Africa from empty ideologies, politics of the stomach and corrupt politicians, and that can only happen if we, the ordinary people of South Africa, unite and hold those elected leaders accountable.

“We have a duty to be active citizens, not passive onlookers. And if you don’t know where to start, start by supporting organisations who are ready to fight on your behalf.”

Brendan Slade, OUTA Legal Project Manager

OUTA BOARD AND EXECUTIVE 2022/23



Wyna Modisapodi
(Chair, Non-Executive)



Phumlani Majozi (Chair - REMCO; Non-Executive)



Adv Simi Pillay-van Graan (Chair - ARC; Non-Executive)



Paul Pauwen
(Non-Executive)



Dr Heinrich Volmink*
(Non-Executive)



Zwanda Mukwevho
(Non-Executive)



Simile Ndlovu
(Non-Executive)



Thuto Skweyiya
(Non-Executive)



Wayne Duvenage
(Executive; CEO)



Adv Stefanie Fick
(Executive)

* Resigned May 2022

OUTA BOARD OF DIRECTORS 2022/23

Director	Date appointed	Director status	Audit and Risk Committee (ARC)	Remuneration Committee (REMCO)
Wyna Modisapodi	April 2018	Chairperson, non-executive director		
Phumlani Majozi	March 2017	Vice chair, non-executive director		Chairperson
Adv Simi Pillay-van Graan	April 2018	Non-executive director	Chairperson	Member, vice chair
Paul Pauwen	April 2012	Non-executive director	Member, vice chair	Member
Heinrich Volmink*	May 2019	Non-executive director	Member	
Zwanda Mukwevho	Nov 2021	Non-executive director	Member	
Simile Ndlovu	Jan 2022	Non-executive director	Member	
Thuto Skweyiya	Jan 2022	Non-executive director		Member
Wayne Duvenage	April 2012	Executive director: CEO	Invitee	Invitee
Adv Stefanie Fick	April 2018	Executive director		

* Resigned May 2022

OUTA DIRECTORS' ATTENDANCE AT BOARD MEETINGS 2022/23:

Director	Q1 2022/3 29 June 2022	Q2 2022/23 28 Sept 2022	Q3 2022/3 26 Jan 2023	Q4 2022/3 26 April 2023	AGM 30 May 2023
Wyna Modisapodi (Chair)	Yes	No	Yes	Yes	Yes
Phumlani Majozi (Vice chair)	Yes	Yes	Yes	Yes	Yes
Adv Simi Pillay-van Graan	Yes	Yes	Yes	Yes	Yes
Paul Pauwen	Yes	Yes	Yes	No	Yes
Zwannda Mukwevho	Yes	Yes	Yes	Yes	Yes
Thuto Skweyiya	Yes	Yes	Yes	Yes	Yes
Simile Ndlovu	Yes	Yes	Yes	Yes	Yes
Wayne Duvenage	Yes	Yes	Yes	Yes	Yes
Adv Stefanie Fick	Yes	Yes	Yes	No	Yes

COMMITTEE ATTENDANCE 2022/23:

Audit and Risk Committee (meets quarterly)

Director	13 Apr 2022	22 Jun 2022	21 Sep 2022	18 Jan 2023	12 Apr 2023
Adv Simi Pillay-van Graan (Chair)	Yes	No	Yes	Yes	Yes
Paul Pauwen	Yes	Yes	Yes	Yes	Yes
Simile Ndlovu	No	Yes	Yes	Yes	Yes
Zwannda Mukwevho	No	Yes	Yes	Yes	Yes
Wayne Duvenage (CEO – by invitation)	Yes	Yes	Yes	Yes	Yes

Remuneration Committee (meets annually)

Director	14 Sep 2022
Phumlani Majozi (Chair)	Yes
Adv Simi Pillay-van Graan	Yes
Paul Pauwen (Vice chair)	Yes
Wayne Duvenage (CEO - by invitation)	Yes

OVERVIEW of OUTA's work in 2022/23

During 2022, Chief Justice Raymond Zondo handed over the last volumes of the State Capture Commission's report to President Cyril Ramaphosa, the final volumes in June. This report records a shameful and destructive period in South Africa's history, and we regard it as essential reading for those who care about the future of our country. In October 2022, President Ramaphosa tabled in Parliament his response to the commission's report, outlining the implementation plan. Overall, implementation has been inadequate. OUTA and a frustrated public want to see perpetrators removed from positions of power and in jail.

Despite the commission's extensive investigations, formal recording of state capture and detailed recommendations for prosecution and prevention, our government continues to fail us by not prioritising the war against corruption. There are encouraging spots of renewal and courage in sectors of law enforcement and prosecution services, but rebuilding skills, improving resources and uprooting resistance by state capture beneficiaries significantly hampers action. We still have people holding positions as ministers, politicians and senior government officials who were either implicated in corruption or failed to oppose it. Funds are still siphoned off routinely. Municipal councils fight over access to the finances.

OUTA's projects this year reflect the failure by government to acknowledge and block corruption. Many of our projects challenge government decisions which appear to benefit small groups of individuals at public expense. Some of these government decisions are years old, but some are new, showing ongoing contempt for public interest.

Blowing the whistle on corruption

101 reports received from whistleblowers through OUTA's secure Whispli whistleblower platform which enables anonymity

OUTA follows up on as many of these reports as possible, but must prioritise those that fall within our mandate, expertise and capacity

14 reports taken up

- 3 ongoing projects
- 9 in preliminary investigation
- 2 require additional information

87 reports not taken up

- 24 do not meet the OUTA mandate
- 20 had inadequate information
- 5 had an unreliable source
- 4 were duplications
- 34 other reasons

BLOW THE WHISTLE

OUTA
ORGANISATION FOR THE
TRANSPARENT AND ACCOUNTABLE
GOVERNANCE

In our legal challenge to the Karpowership independent power producer project, OUTA has called for a review of the generation licences which we believe were granted without due process and under a cloud of secrecy around the costs to electricity consumers and taxpayers. It will provide 1220 MW, which will save us less than two stages of loadshedding. We are also demanding the right to access the full unredacted decisions to award the licences, including how this will affect the cost of electricity. At the time we filed this case, the Karpowership cost was estimated at R220 billion over 20 years, before the price of liquid natural gas increased as a result of the Russia-Ukraine war. We are seriously concerned as to why our Cabinet is so determined to push through this massively expensive project amidst a serious lack of transparency. Who will benefit at South Africa's expense?

In February 2023, we filed a legal challenge against Government's decision to introduce a national state of disaster, in connection with electricity supply constraints. The electricity crisis was created by government over years, by a determined failure to address it through existing and adequate legislation. This state of disaster was

eerily reminiscent of the Covid-19 state of disaster, which enabled massive looting, but more worrying is the fact that against the backdrop of an existing emergency energy plan, there was no real need to declare the state of disaster. Government has since withdrawn the declaration.

In our legal challenge to the constitutionality of the Administrative Adjudication of Road Traffic Offences Act (AARTO) and its amendment, we are challenging a law that appears to be designed to collect funds for a state-owned entity solely for the sake of collecting funds, with little effective road safety enforcement in evidence. As at time of publishing this report, we are awaiting the Constitutional Court ruling.

We are still involved in three legal challenges against the South African National Roads Agency Ltd (Sanral), who refused us access to documents on revenue flows and profitability of the three toll concessionaires. This is a public issue which lacks transparency and could very well introduce additional profits accrued from the concessionaires to the state.

We referred a criminal complaint to the National Prosecuting Authority against David Mabuza, who was Deputy President at the time, over long-standing, well-documented and publicly known allegations of serious corruption in Mpumalanga, which have been ignored for years by law enforcement.

We filed a criminal complaint with the SAPS over the abuse of funds by the Services Sector Education and Training Authority, a problem we exposed some years ago but which neither that entity nor law enforcement addressed. We are investigating the National Student Financial Aid Scheme for flagrant misuse of funds which are meant for student support.

In October 2022, Minister of Finance Enoch Godongwana announced the end of e-tolls. While this is a victory for civil society, we have requested an explanation for the astonishingly high debt that government says is still owed on the freeway upgrade and why Gauteng is expected to pick up 25% of this. Furthermore, the e-toll system still needs to be finalised and turned off, with a gazette to amend the original Gauteng freeway toll announcement.

We published our fourth annual report on oversight of Parliament, again finding that Parliament is a

failed institution. Parliament's failure to hold the executive to account, failure to hold departmental officials to account and failure to block funds to ruinously expensive and unproductive programmes and departments has been a crucial enabler of state capture. Parliament continues to fail South Africa, while the State Capture Commission's recommendations are ignored.

OUTA continues to work with other civil society organisations. We are part of groups working towards electoral reform and for improved transparency on political party funding, which is essential in the run-up to the 2024 election as those implicated in state capture use their positions to entrench themselves. We are part of groups which oppose state capture, provide support to the National Prosecuting Authority, oppose corruption, aim to improve public participation in Parliament and we are part of the broad front Defend Our Democracy. These are crucial partnerships.

OUTA acknowledges the essential role that whistleblowers play in defending democracy and clean governance. We are grateful to those who have provided us with information: over the year, OUTA received 101 reports from whistleblowers through our secure and anonymous Whispli platform. We follow up as many of these reports as possible, but must prioritise those that fall within our mandate, expertise and capacity. We believe that much more support and protection is needed for whistleblowers, and we call for the implementation of the State Capture Commission recommendations on this.

The sections below in this report detail our work on these and other projects from March 2022 to February 2023. The OUTA in Action section is a chronological record of OUTA's submissions, legal actions and interventions. The sections on OUTA Broadcasts and OUTA Bridge Brigade protests record our actions to alert and inform the public about issues. The OUTA Projects and OUTA Social Innovation Projects sections detail the projects we worked on this year.

We are grateful for the financial support from our supporters. Without you, this work would not be possible.

OUTA IN ACTION

We put the *action* into activism

OUTA submissions, legal action and interventions

1 March 2022 -
28 February 2023

UNODC
United Nations Office on Drugs and Crime

OUTA
ORGANIZATION UNDOING TAX ABUSE

UN
DP

United we are, united we stand, we say NO to corruption.

#UNCAC20 #UnitedAgainstCorruption www.anticorruptionday.org

UN Convention Against Corruption

UNCAC AT 20:
UNITING THE WORLD
AGAINST CORRUPTION

OUTA ACTIONS:

Submissions, legal action and interventions from 1 March 2022 to 28 February 2023

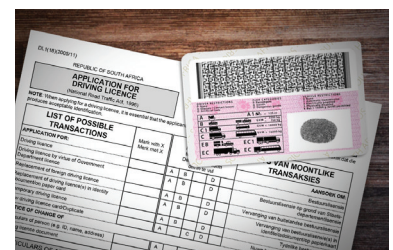
1 March 2022: OUTA makes a presentation to the Portfolio Committee on Home Affairs on our February submission on the Electoral Amendment Bill, calling for the bill to be rewritten. OUTA's submission is [here](#).

1 March 2022: Laingsburg Local Municipality starts using OUTA's [Link app](#).

7 March 2022: OUTA submits comments to the National Energy Regulator of South Africa (NERSA), opposing Eskom's application for a regulatory clearing account top-up for 2020/21, which allows for clawing back historical losses from consumers through price increases, and calling for this pricing mechanism to be overhauled. The submission is [here](#) and more information is [here](#).

7 March 2022: The National Nuclear Regulator (NNR) refuses OUTA's request for information in terms of the Promotion of Access to Information Act (PAIA) of 22 February 2022 (OUTA's first PAIA request to the NNR in 2022 – see [here](#) for the documents requested), which asked for copies of minutes, board resolutions and decisions from all NNR 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 NNR to the Minister of Mineral Resources and Energy in support of NNR's request that the Minister suspend Becker from the board. 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 to be appointed to the board, as legally required; he subsequently challenged his removal in court. The NNR refusal is [here](#). For more on Becker's removal see [here](#), and for more on OUTA's campaign for transparency in the NNR see [here](#).

10 March 2022: An OUTA team of CEO Wayne Duvenage, Advocate Stefanie Fick and lawyer Andrea van Heerden held an online meeting with Minister of Transport Fikile Mbalula to raise OUTA's concerns about the driving licence card renewal chaos, and to call on the Minister to extend the deadline for expired licence cards and extend the validity period of all driving licence cards from the current five years to ten years. OUTA's presentation to the Minister is [here](#) and OUTA's position paper motivating for the extension of the validity period for driving licence cards is [here](#). Despite numerous follow-ups by OUTA, there has been no official feedback from the Minister.



14 March 2022: OUTA files another request for information in terms of PAIA to the NNR, asking for copies of all declarations related to financial conflicts of interest submitted to the Minister of Mineral Resources and Energy by current and past NNR directors on their appointment to the board, and all documents and minutes of all NNR board and subcommittee meetings from April 2021 to January 2022. This is OUTA's second PAIA application to the NNR in 2022 (the first was on 22 February 2022). OUTA's second PAIA application is [here](#). On 29 March, the NNR refused access to the information; see [here](#).

16 March 2022: During 2022/23, OUTA continued action to access the South African National Roads Agency Ltd (Sanral) contracts with the three toll road concessionaires: N3 Toll Concession (N3TC), Trans African Concessions (Trac) and Bakwena Platinum Corridor Concessionaire. OUTA had requested information on the contracts in terms of PAIA, but Sanral refused, and OUTA subsequently filed court challenges to all three refusals. In the Trac matter, the court had, during 2021, ordered Sanral to provide the information, but Sanral subsequently brought an application for rescission of this judgment. On 16 March, OUTA filed papers opposing Sanral's rescission application and supporting OUTA's application for Sanral to be declared in contempt of court. This matter continued through the year. See more [here](#).

22 March 2022: On World Water Day, OUTA launches the Water Community Action Network (WaterCAN), at a webinar with OUTA WaterCAN manager Dr Ferrial Adam, environmental advisor Dr Anthony Turton, Triple-P director Ntswaki Ditlhale, the Milnerton Residents' Association's Caroline Marx and Vaal Environmental Justice's Samson Mokoena. The webinar, *Sewage Pollution in South Africa: A Human Rights Violation*, discussed the dire state of South Africa's water resources, sanitation services and infrastructure and possible solutions for the crisis. WaterCAN is building a network of citizen science activists to become water guardians and put pressure on authorities to improve the management of water resources. Watch a recording of the webinar [here](#) and see more about WaterCAN [here](#).

25 March 2022: OUTA makes two submissions to the Minister of Mineral Resources and Energy, Gwede Mantashe, one commenting on the draft Electricity Pricing Policy (see [here](#)) and the other on the Electricity Regulation Amendment Bill (see [here](#)). More on OUTA's comments on these is [here](#).

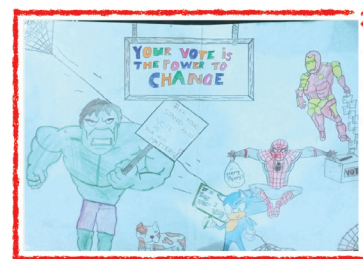
29 March 2022: OUTA submits an internal appeal to the NNR against the NNR's refusal to provide the information in OUTA's PAIA request of 22 February 2022 (OUTA's first PAIA request to the NNR in 2022). OUTA's appeal is [here](#).



(Image: Shutterstock)



30 March 2022: OUTA launches a competition calling for illustrations of what voting means to people, to promote citizen awareness of electoral reform and the importance of voting. This is won by Liaan Petersen, 12.



(Picture: Liaan Petersen)

30 March 2022: OUTA makes a presentation to the Electricity Wheeling Conference in Cape Town, saying prosumers – those who both produce and consume electricity – should be encouraged, not penalised, and wheeling charges should be related to maintenance costs, not profits. The presentation is [here](#).

7 April 2022: Defend Our Democracy launches a national document on democratic renewal ahead of the Conference for Democratic Renewal and Change planned for June 2022. OUTA is part of the [Defend Our Democracy](#) campaign, which aims to defend the Constitution and oppose the destabilisation of the state, particularly by those involved in state capture. The Renewal and Change Discussion Document is [here](#).



8 April 2022: OUTA writes to the Road Traffic Infringement Agency (RTIA), an entity falling under the Transport Department, requesting an engagement to discuss the various issues OUTA has identified within the RTIA.

11 April 2022: OUTA is a signatory to a letter from civil society to the Portfolio Committee on Home Affairs, raising concern that the recent public participation process about the Electoral Amendment Bill was flawed and did not meet constitutional standards. The bill follows the Constitutional Court judgment which gave Parliament two years – a deadline of June 2022 – to rewrite the law to allow independent candidates to stand in national and provincial elections. The letter is [here](#) and more on OUTA's campaign for electoral reform is [here](#).

12 April 2022: OUTA submits an internal appeal to the NNR, challenging the NNR's refusal to provide information in OUTA's PAIA request of 14 March (OUTA's second PAIA request to the NNR in 2022). OUTA's grounds for appeal are [here](#).

13 April 2022: OUTA holds a webinar on electoral reform explaining the Electoral Amendment Bill, with OUTA's Rachel Fischer, One South Africa's Mudzuli Rakhivhane, the Auwal Socio-Economic Research Institute's Ebrahim Fakir and the Africa School of Governance's Zarina Prasadh. A recording of the webinar is [here](#).



(Image: Flickr/GovernmentZA)

21 April 2022: The NNR again refuses OUTA access to documents relating to the appointment of board members, refusing OUTA's internal appeal of 29 March 2022, in connection with OUTA's PAIA request of 22 February 2022 (OUTA's first PAIA request to the NNR in 2022). The NNR refusal is [here](#).

22 April 2022: OUTA writes to the Road Traffic Management Corporation (RTMC), an entity falling under the Department of Transport, requesting an engagement to discuss the various financial issues OUTA has identified in the RTMC financial reports.

22 April 2022: OUTA writes to the Driving Licence Card Account, a Department of Transport entity, requesting an engagement to discuss various financial issues OUTA has identified.

22 April 2022: OUTA writes to the acting Director-General of Transport requesting an engagement to discuss the various issues OUTA has identified within the transport entities.

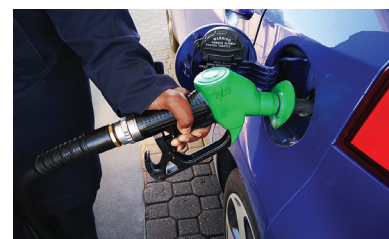
26 April 2022: OUTA files a review application in the Pretoria High Court against NERSA, calling for the court to review and overturn NERSA's decisions to grant generation licences to Karpowership under the Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP), a proposed deal which could cost South Africa R218 billion over 20 years. "The decisions to award the licences to Karpowership for generation at Coega, Saldanha Bay and Richard's Bay respectively were irrational, unreasonable, and taken without regard to relevant considerations or with regard to irrelevant circumstances," says OUTA in the court papers. NERSA and the Karpowership companies subsequently filed notice to oppose the application while Eskom filed notice of intention to abide by the decision of the high court. See [here](#).



(Image: Wikimedia)

6 May 2022: OUTA publishes a guide for motorists on how to renew an expired driving licence. See [here](#).

18 May 2022: OUTA writes to Finance Minister Enoch Godongwana, calling for the temporary reduction of the fuel levy by R1.50 a litre to be extended beyond the planned deadline of 31 May. More information is [here](#) and the letter is [here](#). A two-month extension of the reprieve was subsequently granted.



26 May 2022: Toll concessionaire Bakwena was granted leave to intervene in OUTA's case against Sanral on access to the Bakwena contract in order to oppose OUTA's application. This matter is expected to continue in 2023.

27 May 2022: Six former Transnet officials and Gupta associates are arrested and appear in the Palm Ridge Specialised Commercial Crimes Court on state capture charges, relating to allegations of corrupt dealings and kickbacks linked to Transnet's \$2.5 billion loan facility from the China Development Bank as part of the financing for the purchase of 1 064 freight locomotives. In August 2020, OUTA submitted a detailed affidavit to the National Prosecuting Authority (NPA) on suspected criminal acts relating to this loan, allegedly involving Transnet officials



(Image: Shutterstock)

and Gupta associates who arranged this loan at higher than market-rate interest rates, allegedly taking a pay-off of R189.240 million for themselves as “success” fee. OUTA tracked the money flows and gave this information to the NPA’s Investigating Directorate in the form of a lengthy affidavit with annexures. We believe this contributed to the prosecution. See more [here](#).

27 May 2022: OUTA and other civil society organisations – including One South Africa, the Council for the Advancement of the South Africa Constitution (CASAC), the Independent Candidate Association and My Vote Counts – decide on a collective approach to opposing the Electoral Amendment Bill currently before Parliament. The organisations agree, inter alia, that the bill is unconstitutional, the public participation process has been inadequate and that reform in time for the 2024 elections is essential. See more [here](#).



(Image: Flickr/GovernmentZA)

31 May 2022: OUTA files heads of argument in our application against Sanral and N3TC in the ongoing dispute over access to the concessionaire contracts. In the N3TC matter, N3TC joined the proceedings in February 2022 and subsequently filed its answering affidavit opposing OUTA’s application. On 11 April and 19 May, OUTA filed replying and supplementary affidavits responding to N3TC, and on 31 May OUTA filed heads of argument. Heads of argument from Sanral and others were not filed, and OUTA subsequently won an application to compel these to be filed, resulting in Sanral filing the argument. See more [here](#).

1 June 2022: OUTA’s new Community Action Network (CAN), a digital solution to help community organisations manage their membership and fundraising which OUTA launched in December 2021, joins the launch of the Better Bedfordview residents’ association. CAN has been under development for months, and Better Bedfordview is one of the first community organisations to sign up to use CAN’s digital platform. Read more about CAN [here](#).



8 June 2022: OUTA publishes an Electoral Reform Info Sheet. See [here](#).

9 June 2022: OUTA welcomes the President’s suspension of Advocate Busisiwe Mkhwebane as Public Protector. OUTA has campaigned for three years for Mkhwebane to be removed from her position due to lack of competence, including formally petitioning Parliament in June 2019 for an inquiry into her conduct and competence. See more [here](#).



14 June 2022: OUTA’s WaterCAN initiative runs an informal online survey on “What am I drinking?”. Two weeks later, WaterCAN publishes the findings that only 37% of respondents routinely trust the quality of their water. See more [here](#).

23 June 2022: OUTA pickets outside Rahima Moosa Mother and Child Hospital in Coronationville, Johannesburg, in support of whistleblower

Dr Tim de Maayer, calling for an investigation into the hospital CEO who tried to discipline De Maayer for speaking out. See a news video [here](#).

23 June 2022: OUTA writes to Sanral raising concerns over allegations of a possible irregular tender awarded to Nerdware (Pty) Ltd for more than R300 million.

30 June 2022: OUTA marks the International Day of Parliamentarism with a protest outside Parliament, calling on parliamentarians to prioritise public engagement, and for the public to engage with Parliament. See more [here](#).



12 July 2022: OUTA and 15 other civil society organisations write to Minister of Mineral Resources and Energy Gwede Mantashe, calling on him immediately to allow new renewable energy to be built and connected to the grid. The Integrated Resource Plan (IRP) of 2019 includes plans to build renewable energy plants that can provide 20 400 MW of electricity and 2 088 MW of storage by 2030, but so far, the Minister has issued determinations for only 6 800 MW of renewable energy and 513 MW of storage. See more [here](#).

14 July 2022: OUTA and 13 other civil society organisations pledge to work together to continue to defend democracy and oppose the toxic relationship between money and politics, which includes campaigning for a stronger Political Party Funding Act framework. See more [here](#).

18 July 2022: OUTA writes to the Portfolio Committee on Women, Youth and Persons with Disabilities, calling for the committee to extend the period of advertising for the six vacancies for commissioners on the Commission for Gender Equality. OUTA believes this is insufficient time and has asked for this deadline to be extended for at least a week, to ensure a more inclusive and publicly engaged process to get the best possible candidates for such crucial positions. See more [here](#).



(Image: Shutterstock)

18 July 2022: OUTA files a request in terms of Regulation 14(1) of PAIA to the Information Regulator, asking the Regulator to assess the RTIA's compliance with PAIA, as the RTIA does not have a PAIA manual.

19 July 2022: OUTA writes to the Driving Licence Card Account, requesting clarity on further issues raised by the Auditor-General of South Africa's office on the Account's 2019/20 annual financial reports.

3 August 2022: OUTA's WaterCAN hosts a webinar on Women in Water, with WaterCAN manager Dr Ferrial Adam, Ayesha Laher of LAHL Water, Tarryn Johnston of Hennops Revival and Bulelwa Klaasen of Siyanqoba Feeding Scheme, discussing the challenges women face in providing clean and safe water to their households. Watch [here](#).

10 August 2022: OUTA makes a submission to NERSA on the consultation paper on the methodology for the determination of tariffs and prices in the electricity industry. See more [here](#).

18 August 2022: OUTA's Wayne Duvenage, Advocate Stefanie Fick and Andrea van Heerden meet with the acting Director-General of Transport to discuss the various issues OUTA has identified within the various Department of Transport entities. OUTA subsequently writes to the acting DG, setting out the various concerns discussed. The letter is [here](#).

24 August 2022: The City of Cape Town starts using OUTA's Link app for residents to report service delivery issues. OUTA launched the Link app in December 2021 as a tool for municipalities and residents. It can be downloaded for free from Google Play and Apple App stores and used to report potholes, traffic light outages, water leaks, sewage overflows, illegal dumping and other incidents. It is easy to install and even easier to use. You can read more about the Cape Town launch [here](#) and more about Link [here](#).

29 August 2022: Former Transnet executives Brian Molefe and Anoj Singh and others are arrested and appear in court on charges of fraud and corruption in relation to Transnet's procurement of 1 064 freight locomotives, seven years after the deal, which was used to pay a "success fee" of R189.2 million. OUTA submitted a detailed report with annexures on this deal to the NPA in August 2020, tracking the money flows and outlining the planning, negotiation and commissions paid on this deal, using documents retrieved from the #GuptaLeaks, documents from various datasets submitted to OUTA, whistleblower reports, Transnet-related documents submitted to the Commission of Inquiry into State Capture, and information from the Companies and Intellectual Property Commission database, and calling for prosecutions. See more [here](#).



1 September 2022: Swellendam Local Municipality starts using OUTA's Link app for residents to report service delivery issues. More about the Swellendam launch is [here](#) and about the Link app is [here](#).

6 September 2022: OUTA and 44 other civil society organisations jointly write to Parliament objecting to the limited public participation process on the appointment of new commissioners to the Commission for Gender Equality. The letter went to the Portfolio Committee on Women, Youth and Persons with Disabilities. The organisations want to comment on the candidates but regard the process as inadequate because the comment period is only ten days, the information provided on the candidates is inadequate, and the form to be used severely limits comment. The organisations called for an extended comment period, for the publication of the candidates' resumes and no limit on the length of comments. See more [here](#).

14 September 2022: OUTA's WaterCAN initiative coordinates a team of about 100 citizen scientists to test water across the country over five days. OUTA supplies the volunteers with iLAB testing kits that assess more than ten drinking water parameters so volunteers can test water sources including streams, rivers, dams or tap water. See more [here](#) and a report on the results [here](#).

15 September 2022: OUTA makes a submission to the Portfolio Committee on Home Affairs strongly criticising the Electoral Amendment Bill and calls for better public education on the bill and its implications. "Every adult South African has the right to stand for public office and contest elections as an individual and, if elected, to hold the office into which she or he is elected. Together with this, every vote ought to count and not be wasted," says OUTA. The submission is [here](#). This is OUTA's second submission on this bill; the first was in February 2022.

16 September 2022: OUTA and other civil society organisations protest outside Parliament against the Electoral Amendment Bill, and deliver a petition signed by 56 organisations rejecting the bill and demanding electoral reform. The petition is [here](#) and more information is [here](#).

16 September 2022: OUTA makes a submission to the Portfolio Committee on Women, Youth and Persons with Disabilities on the candidates shortlisted for the vacant commissioner positions on the Commission on Gender Equality, saying that eight of the 24 candidates raise red flags and should be crossed off the list, and that the candidates' resumes should be available to the public to enable more informed comment. See more [here](#).

19 September 2022: OUTA makes a submission to NERSA on Eskom's multi-year price determination electricity price application for 2023/24 to 2024/25 (MYPD5), in which OUTA called for NERSA to limit Eskom's increase to a CPI increase only. See more [here](#) and the submission [here](#).

21 September 2022: OUTA's WaterCAN initiative holds an online water symposium in partnership with the Water Research Commission, the Department of Water and Sanitation, the South African National Biodiversity Institute and UNICEF to establish a Southern African Society for Citizen Science with a focus on water resources management. Watch the symposium [here](#).

28 September 2022: OUTA joins other civil society organisations in rejecting the Electoral Amendment Bill as it is not constitutionally compliant, saying it needs a complete rewrite. See more [here](#).

28 September 2022: OUTA welcomes the appearance of former Minister of Mineral Resources Mosebenzi Zwane in the Bloemfontein Magistrate's Court on charges relating to the R280 million Estina dairy farm project, a state capture project. OUTA did substantial work encouraging the



(Image: Shutterstock)

prosecution of Zwane over his state capture activities, including laying a criminal complaint against him in July 2017 and referring information about his activities to the NPA in October 2019. Some of the documents which OUTA retrieved from the more than 2.2 million documents in the #GuptaLeaks now support the prosecution against Zwane. For more on OUTA's actions on this, see [here](#).

30 September 2022: Acting Public Protector Advocate Kholeka Gcaleka publishes a report on a complaint OUTA submitted in June 2018 about contracts issued by the South African Social Security Agency (SASSA), upholding OUTA's complaint and ordering the Hawks to investigate possible bid rigging and corruption by the two contractors. The Public Protector's report is [here](#) and more on this is [here](#).



(Image: GroundUp)

30 September 2022: OUTA makes a presentation to the Portfolio Committee on Mineral Resources and Energy on our third annual parliamentary oversight report, *OUTA Parliamentary Oversight Report 2021: MPs Dragging their feet* (which was published in February 2022 and was critical of the committee's performance), explaining that OUTA wants a responsive Parliament that holds the executive accountable. The presentation is [here](#).

4 October 2022: OUTA files a request for information to Sanral in terms of PAIA, asking for copies of all documentation relating to a tender that was awarded to Nerdware (Pty) Ltd.

17 October 2022: OUTA publishes our fourth annual report on Parliamentary oversight, *Kicking the can down the road: OUTA 2022 Report on Parliamentary Oversight*. For the fourth year in a row, OUTA's report finds that Parliament is a failed institution. For more information and the report, see [here](#) and for an OUTA video on how Parliament should work, see [here](#).

19 October 2022: OUTA joins other civil society organisations calling on MPs in the National Assembly not to pass the flawed Electoral Amendment Bill. See the joint statement [here](#). The MPs adopt the bill the next day and OUTA criticises the National Assembly's decision. See [here](#).

26 October 2022: Finance Minister Enoch Godongwana announces in the Medium-Term Budget Policy Statement (MTBPS) that an alternative funding method will be found for the Gauteng Freeway Improvement Project debt, effectively ending e-tolls. More on this is [here](#) and OUTA CEO Wayne Duvénage's message of thanks to supporters during OUTA's long campaign against e-tolls is [here](#).



(Image: Shutterstock)

27 October 2022: OUTA welcomes the arrest and appearance in court of former Eskom executive Matshela Koko and others in connection with state capture allegations, arising from a multibillion-rand contract

between Eskom and Swiss Engineering company Asea Brown Boveri (ABB) in 2015. OUTA laid a criminal complaint against Koko in 2017 in connection with state capture allegations and has repeatedly called for an investigation into his activities. More on this is [here](#).

31 October 2022: OUTA hands over our fourth Parliamentary Oversight Report to Parliament, handing it to Advocate Victor Ngaleka, Procedural Advisor for the National Assembly Table. On 13 October, OUTA sent the report to 53 e-mail addresses: records show 98% of these were received, 46% opened and 5% clicked on the link to the report. On 28 October, we sent the report to 575 e-mail addresses, including the initial group: records show 94% of these were received, 27% were opened, but none clicked on the link to the report. More on this is [here](#).

2 November 2022: OUTA hosts our first Business Breakfast, *Business Unusual in Defending South Africa's Democracy*, facilitated by chartered accountant and radio host Khaya Sithole with four panellists: the Rivonia Circle's Lukhona Mnguni, investment banker Mark Barnes, Constitutional Hill's head of corporate outreach Nyeleti Magadze and OUTA CEO Wayne Duvenage. OUTA plans a series of breakfasts in the months leading to the 2024 elections, inviting businesses and civil society to come together to discuss how to drive the change South Africa desperately needs.



2 November 2022: Civil society organisations, including OUTA, hold a public meeting on the Electoral Amendment Bill in the Groote Kerk church in Cape Town. Speakers included OUTA's Rachel Fischer and Mudzuli Rakhivhane from Independent Candidates Association. See [here](#).

2 November 2022: OUTA's WaterCAN initiative submits comment on the revision of the National Pricing Strategy for Raw Water Use Charges as part of the Department of Water and Sanitation public comment process. The strategy provides the framework pricing raw (untreated) water from a water resource or supplied by government waterworks and the discharge of water into a water resource or onto land. OUTA's submission raises concerns regarding budgetary allocations and duplication of functions. More information is [here](#) and the submission is [here](#).

7 November 2022: OUTA writes to Sanral's newly appointed CEO requesting an engagement to discuss the various issues OUTA has identified within Sanral.

7 November 2022: OUTA presents a research paper at the National Development Plan and State Capacity Conference in Durban, *A critical reflection on the state of parliamentary oversight*. OUTA's parliamentary engagement and research manager, Rachel Fischer, presented the paper on state capture, ethics and government performance, joined

the opening plenary session and presented in the panel on ethics, accountability and state capture. This paper is due to be published in a state capture book series. Read more [here](#) and [here](#). A brief overview of the paper is [here](#).

9 November 2022: OUTA makes a formal submission to the National Council of Provinces (NCOP) on the Electoral Amendment Bill, raising concern about the inadequate public education and public participation processes and reiterating the inadequacy of the bill. This is OUTA's third submission on the bill. The submission is [here](#).

11 November 2022: OUTA joins over 30 other civil society organisations in a call to the NCOP to critically review the Electoral Amendment Bill, which was passed by the National Assembly on 20 October 2022 despite strong objections by civil society, which believes it does not go far enough to enable independent candidates. See more [here](#).

14 November 2022: OUTA publishes a report on electoral reform, *Research Report: Electoral Reform*, compiled by Dr Sithembile Mbete for OUTA and My Vote Counts. Dr Mbete is a senior lecturer in the Department of Political Sciences at the University of Pretoria, director of programmes at Futurelect, and Member of the Ministerial Advisory Committee (MAC). The report is [here](#) and more information is [here](#).

15 November 2022: The Constitutional Court hears argument in OUTA's challenge to the constitutionality of the Administrative Adjudication of Road Traffic Offences Act (AARTO) and the AARTO Amendment Act. This hearing arises from OUTA's win on this matter in the Pretoria High Court in January 2022, when that court declared AARTO unconstitutional. For more on this case, see [here](#) and [here](#).



(Image: Flickr/GovernmentZA)

25 November 2022: OUTA's submission to the Standing and Select Committees on Appropriations on MTBPS 2022 calls for an explanation of the Sanral debt and the GFIP portion. The MTBPS includes transfers of R3.740 billion plus R23.736 billion for Sanral, specifically for the GFIP project. National Treasury said in March 2022 that the GFIP debt was R43.031 billion which OUTA believes is inexplicably high. See more [here](#), the written submission [here](#) and the presentation [here](#).

30 November 2022: OUTA holds a webinar on electoral reform, run with the support of the Konrad Adenauer Stiftung (KAS), focussing on the report on electoral reform recently published by OUTA and My Vote Counts. The webinar was hosted by OUTA's Rachel Fischer with speakers Dr Sithembile Mbete of Futurelect, Letlhogonolo Letshele of My Vote Counts and Gregor Jaecke of KAS. Watch it [here](#).

30 November 2022: OUTA opens a criminal complaint at the Parkview police station against the Services Sector Education and Training



Authority (Services SETA) and the Grayson Reed consortium over the payment of allegedly fraudulent claims as part of a contract worth R163 million. An overview of this is [here](#), OUTA's complaint to the SAPS is [here](#) and the report on our investigation into the Grayson Reed contract (submitted to the SAPS to back up the complaint) is [here](#).

30 November 2022: OUTA submits an internal appeal to Sanral, challenging its refusal to provide information on the Nereware contract requested in OUTA's PAIA request of 4 October 2022. The grounds for appeal are [here](#).

1 December 2022: OUTA launches the *Be the Boss* campaign, encouraging citizens to take back control and participate in democracy by registering as voters and voting in elections. See more [here](#), and watch the Be the Boss video [here](#).

2 December 2022: Dr Ferrial Adam, OUTA's WaterCAN manager, is announced as one of the Mail & Guardian winners of the Greening the Future award for her work on safeguarding water sources. See [here](#).

5 December 2022: OUTA refers a criminal complaint against Deputy President David Mabuza and 12 other individuals and two businesses to the NPA's Investigating Directorate, calling for charges of organised crime to be investigated. This is a direct referral to the Investigating Directorate, in terms of section 27 of the National Prosecuting Authority Act. The case revolves around the claims of corruption which conservationist and whistleblower Fred Daniel has raised over several years. Although much has been written and exposed about this matter, law enforcement has failed to take effective action. See more [here](#) and OUTA's affidavit to the NPA outlining the complaint [here](#).



(Image: Flickr/GovernmentZA)

6 December 2022: OUTA's WaterCAN submits a request for information in terms of PAIA to the City of Johannesburg's entity Johannesburg Water, asking for the results of the water tests around the Zandspruit sewage pump station from August to December 2022. In January, this request was redirected to the City of Johannesburg. The list of documents requested is [here](#). In February 2023, the City said it could not provide the information as it did not exist, as Johannesburg Water had suspended the surface water quality monitoring programme during that period. The City's response is [here](#) and [here](#).

9 December 2022: OUTA's WaterCAN submits a request for information in terms of PAIA to the Department of Water and Sanitation, asking for the directive which the department issued to the City of Johannesburg in connection with sewage spills at the City's Goudkoppies and Bushkoppies wastewater treatment works (WWTW) and the site inspection reports. The list of documents requested is [here](#). These were subsequently provided.

12 December 2022: OUTA files a notice in terms of Rule 30A calling on NERSA to produce the full record of its decision to grant Karpowership generation licences in terms of Rule 53. This is part of OUTA's application in the Pretoria High Court, filed on 26 April 2022, against NERSA and Karpowership aimed at overturning the generation licences which NERSA granted to the Karpowership. NERSA had provided OUTA with only a redacted record of the reasons for the decision. See more [here](#).

12 December 2022: OUTA writes to the newly appointed Director-General of Transport, Advocate James Mlawu, requesting an engagement to discuss issues OUTA has identified within the various transport entities. The letter is [here](#).

22 December 2022: The Financial Mail names OUTA and CEO Wayne Duvenage as its Civil Society Newsmaker of the Year. See [here](#).

5 January 2023: OUTA writes to Gauteng Premier Panyaza Lesufi, asking for clarity on Gauteng's plan to help pay off the e-toll debt and how the payment amounts were calculated. Despite multiple follow-ups, there was no response. The letter is [here](#).

23 January 2023: OUTA brings an application against NERSA to compel the production of the full record of NERSA's decision to grant Karpowership generation licences in our ongoing case calling for a legal review of NERSA's decision to award the licences. See more [here](#).

27 January 2023: OUTA submits comment criticising the Electoral Amendment Bill to the Portfolio Committee on Home Affairs, following the NCOP update to the bill. OUTA's submission calls for a clearly constituted Electoral Reform Consultation Panel, which includes civil society and with predetermined deadlines and deliverables, for greater fairness for independent candidates, and for the votes of all citizens to count. OUTA warns that if the bill fails to meet constitutional standards it may be legally challenged. See more [here](#) and the submission [here](#). This is OUTA's fourth submission on the bill. A month later, the National Assembly passes the bill and sends it to the President for signature.

30 & 31 January 2023: OUTA files two complaints with the Information Regulator against the NNR over its refusal to comply with requests for information in terms of PAIA.

31 January 2023: OUTA wins an order against Sanral, compelling it to file heads of argument in OUTA's case in the Pretoria High Court challenging Sanral's refusal to provide documents on its toll concession contract with N3TC. See more [here](#).



(Image: Wikimedia)

1 February 2023: OUTA writes to Minister of Tourism Lindiwe Sisulu and acting CEO of South African Tourism Mzilikazi Khumalo, asking for a detailed financial assessment explaining SA Tourism’s plan to spend R910 million on sponsoring football team Tottenham Hotspur. The letter is [here](#) and more on this issue is [here](#).

3 February 2023: OUTA’s Wayne Duvenage and Advocate Stefanie Fick meet with Sanral’s newly appointed CEO Reginald Demana to discuss the various issues OUTA has identified within Sanral.

8 February 2023: WaterCAN holds a webinar on how to become a water champion, with WaterCAN manager Dr Ferrial Adam, KwaZulu-Natal water activists Sibongile Mtungwa, Let’s Change Ba-Phalaborwa’s Rodger Ferguson and Thembisa water activist Samuel Mashimbi. Watch [here](#).

8 February 2023: OUTA joins dozens of civil society organisations at the Defend Our Democracy public meeting on *The Real State of the Nation*. OUTA’s parliamentary engagement and research manager, Rachel Fischer, is one of the speakers at the meeting. See the joint civil society statement [here](#) and watch the meeting [here](#).

16 February 2023: OUTA exposes irregular tenders awarded by the National Student Financial Aid Scheme (NSFAS). OUTA’s report outlined how NSFAS hired service providers without them having the required banking licences to pay out student allowances at excessive rates relative to the market, how it hired a business which previously provided cloth masks to the National Treasury to work on an ICT contract, and rented an expensive head office space while slashing the subsidies for student accommodation. See [here](#).



16 February 2023: OUTA files an urgent application in the Pretoria High Court calling for the review and overturning of the decisions to declare a national state of disaster in connection with the electricity crisis. Watch the media briefing [here](#) and read more [here](#) and [here](#).

20 February 2023: OUTA submits an internal appeal to the RTMC, challenging its refusal to provide information in OUTA’s PAIA request of 4 November 2022. OUTA’s grounds for appeal are [here](#).

22 February 2023: OUTA’s Community Action Network (CAN) holds a webinar on property valuations and the City of Joburg’s new General Valuation Roll 2023, explaining the valuation process. Watch [here](#).

23 February 2023: OUTA’s Wayne Duvenage and senior legal project manager Andrea van Heerden meet with the newly appointed Director-General of Transport, Advocate James Mlawu, to discuss the various issues OUTA identified within the transport entities.



OUTA in Action: BROADCASTS 2022/23

OUTA Hour broadcasts and OUTA podcasts





2 March 2022: OUTA Hour, presented by Tom London, discusses OUTA's 10th anniversary with long-time OUTA employee Ali Gule, who runs OUTA's bridge brigade protests. It also discusses the removal of civil society's representative on the National Nuclear Regulator board with OUTA's Brendan Slade and Liz McDaid, and OUTA's new report by McDaid on parliamentary oversight. Watch [here](#).

16 March 2022: OUTA Hour reflects on OUTA's ten years of activism with OUTA's Wayne Duvenage and OUTA co-founder and non-executive director Paul Pauwen, and discusses the driving licence renewal problem with Duvenage and OUTA's Andrea van Heerden. Watch [here](#).

23 March 2022: OUTA Hour discusses water as a human rights issue with environmental activist Mariette Liefferink and OUTA's new initiative WaterCAN with OUTA's Dr Ferrial Adam and Julius Kleynhans. Watch [here](#) and see more on WaterCAN [here](#).

30 March 2022: OUTA Hour discusses irrational decisions by the Department of Transport – the driving licence renewal process and the Administrative Adjudication of Road Traffic Offences Act (AARTO) – with the AA's Layton Beard, and OUTA's Wayne Duvenage, Advocate Stefanie Fick and Andrea van Heerden. Watch [here](#).

6 April 2022: OUTA Hour discusses Milnerton water pollution and the Green Drop and Blue Drop reports with OUTA's Ferrial Adam, an update on the driving

licence renewal process with OUTA's Stefanie Fick, and why you should care about electoral reform with OUTA's Rachel Fischer. Watch [here](#).

13 April 2022: OUTA Hour discusses OUTA's new Community Action Network (CAN) initiative with OUTA's Julius Kleynhans and Tim Tyrell, and the Blue Drop report on water safety with OUTA's Dr Ferrial Adam. Watch [here](#).

22 April 2022: OUTA podcast with energy expert Chris Yelland on how to get Eskom out of the energy crisis without building huge new power stations but rather by involving customers across all sectors. Listen [here](#).

28 April 2022: OUTA podcast on OUTA's legal action against the National Energy Regulator of South Africa (NERSA) over the Karpowership generation licences, with OUTA's Stefanie Fick, Wayne Duvenage and Brendan Slade. Listen [here](#).

28 April 2022: OUTA Hour discusses OUTA's legal action against NERSA over Karpowership, with OUTA's Wayne Duvenage, Stefanie Fick and Brendan Slade and energy expert Chris Yelland. Watch [here](#).

4 May 2022: OUTA Hour discusses the driving licence renewal deadline with OUTA's Stefanie Fick and Andrea van Heerden, and OUTA's investigation into the Services Sector Education and Training Authority (Services SETA) with OUTA's Asavela Kakaza. Watch [here](#).

11 May 2022: OUTA Hour discusses load-shedding, nuclear power and all things energy with OUTA's Stefanie Fick and energy expert Chris Yelland and Koeberg Alert's Peter Becker. Watch [here](#).

18 May 2022: OUTA Hour discusses why the energy sector is in such a mess and how state capture contributed to this problem with legal journalist Karyn Maughan, co-author of the recently published book *Nuclear: Inside South Africa's secret deal* and OUTA's Liz McDaid, the environmental activist instrumental in blocking that deal through legal action, and OUTA's Rudie Heyneke. Watch [here](#).

25 May 2022: OUTA Hour discusses that long-awaited decision on the future of e-tolls that government keeps promising is imminent and OUTA's call for a longer reprieve on the fuel levy, with OUTA's Stefanie Fick and Andrea van Heerden, and how citizen science is essential to accountability and transparency with Ferrial Adam from OUTA's WaterCAN initiative. Watch [here](#).

1 June 2022: OUTA Hour discusses the threat to our constitutional democracy with Zaakirah Vadi and Dudu Mmeti of Defend Our Democracy, Advocate Mojanku Gumbu (the former special advisor to President Thabo Mbeki) and OUTA's Wayne Duvenage. Watch [here](#).

8 June 2022: OUTA Hour discusses accountability for state capture with Advocate JJ du Toit, a former Deputy Director of Prosecutions at the National Prosecuting Authority (NPA), and OUTA's Rudie Heyneke and Advocate Stefanie Fick, following the arrest of two Gupta brothers in Dubai arising from an extradition request by South Africa. Watch [here](#).

9 June 2022: OUTA podcast with OUTA's Rudie Heyneke explaining his investigations into the #GuptaLeaks and how the arrests of former Transnet executives and the Guptas in Dubai fit into the state capture picture. Listen [here](#).

15 June 2022: OUTA Hour focuses on Youth Day, discussing how corruption affects the youth and what the youth are doing to combat it with OUTA's Asavela Kakaza and Rachel Fischer, youth

and climate justice activist Celiwe Shivambu and motivational speaker Tshepo Pasha. Watch [here](#).

22 June 2022: OUTA Hour discusses Phala Phala, the state of local government, the stand taken by whistleblower paediatrician Dr Tim de Maayer and the suspension of Advocate Busisiwe Mkhwebane as Public Protector, with OUTA's Wayne Duvenage, Stefanie Fick and Julius Kleynhans. Watch [here](#).

24 June 2022: OUTA podcast on the state of Eskom with News24 journalist Kyle Cowan. Listen [here](#).

6 July 2022: OUTA Hour discusses the fuel price, cadre deployment, failed municipalities and Eskom with OUTA's Wayne Duvenage and Stefanie Fick. Watch [here](#).

13 July 2022: OUTA Hour discusses whether government is doing enough to uphold gender equality and the appointment of commissioners for the Commission on Gender Equality, with OUTA's Stefanie Fick, Ferrial Adam and Rachel Fischer. Watch [here](#).

20 July 2022: OUTA Hour discusses whether South Africa is living up to Madiba's legacy with former director-general in the Presidency Reverend Frank Chikane, former deputy finance minister Mcebisi Jonas and OUTA's Wayne Duvenage. Watch [here](#).

21 July 2022: OUTA podcast discusses how to end the energy crisis and what to make of Eskom's application for a 32% price increase with OUTA's Brendan Slade and energy advisor Chris Yelland. Listen [here](#).

27 July 2022: OUTA Hour discusses the suggestions of a solar levy and President Ramaphosa's energy plan with OUTA energy advisor Chris Yelland, and KwaZulu-Natal flood repairs with OUTA's Tim Tyrell. Watch [here](#).

3 August 2022: OUTA Hour hears about how good work drives hope with journalist Mandy Wiener and OUTA's Wayne Duvenage and Stefanie Fick. Watch [here](#).

10 August 2022: On National Women's Day, OUTA Hour talks to OUTA women Asavela Kakaza, Ilse Salzwedel, Ndangano Mashashane and Kerry de Jonge. Watch [here](#).

17 August 2022: OUTA podcast with OUTA CEO Wayne Duvenage arguing that we don't have the luxury of waiting 20 months to see if the 2024 elections will bring positive change, and there is lots that individuals can do to encourage change. Listen [here](#).

17 August 2022: OUTA Hour discusses the road to the 2024 national elections with author and co-founder of the Rivonia Circle Songezo Zibi and OUTA's Wayne Duvenage. Watch [here](#).

24 August 2022: OUTA Hour discusses corruption and the cost of living with civil society activist and journalist Mark Heywood and corruption in state healthcare with journalist Jeff Wicks, with OUTA's Wayne Duvenage and Stefanie Fick. Watch [here](#).

31 August 2022: OUTA Hour discusses the arrests of former Transnet senior officials, including Brian Molefe and Anoj Singh, in connection with state capture charges with OUTA's Rudie Heyneke, and the necessity of electoral reform with the Rivonia Circle's Tessa Dooms and Lukhona Mnguni, and OUTA's Rachel Fischer. Watch [here](#).

7 September 2022: OUTA podcast with OUTA's Rudie Heyneke talking about the German prosecutors' investigation into T-Systems (one of the biggest beneficiaries of state capture at Eskom and Transnet), about Salim Essa's role in state capture, the significance of the arrests of Brian Molefe and Anoj Singh and whether Ajay Gupta will ever face prosecution. Listen [here](#).

7 September 2022: OUTA Hour talks to OUTA's Ferrial Adam about WaterCAN's water testing week, which encourages citizen scientists to test water, and OUTA's legal cases with Stefanie Fick. Watch [here](#).

19 September 2022: OUTA podcast with energy advisor Chris Yelland about stage six load-shedding, who is to blame and what can be done to solve

Eskom's problems. Listen [here](#).

28 September 2022: OUTA Hour discusses state capture prosecutions with OUTA's Wayne Duvenage, Stefanie Fick and Rudie Heyneke, particularly in the light of the NPA's promise of key prosecutions by the end of September and today's arrest and appearance in court of former minister Mosebenzi Zwane. Watch [here](#).

5 October 2022: OUTA Hour discusses load-shedding and accountability with OUTA's Brendan Slade and the role of the private sector in state capture with OUTA's Wayne Duvenage and Rudie Heyneke. Watch [here](#).

12 October 2022: OUTA Hour hears from OUTA's Ferrial Adam about the results of water tests carried out by citizen scientists during WaterCAN's water testing week and from OUTA's Asavela Kakaza, Rudie Heyneke and Schalk Schutz about what they uncovered on the Services SETA's contract with the Grayson Reed consortium. Watch [here](#).

19 October 2022: OUTA Hour discusses the possibility that the Medium-Term Budget Policy Statement (MTBPS) on 26 October will announce the end of e-tolls with OUTA's e-toll experts Wayne Duvenage and Andrea van Heerden and how Parliament is still failing to implement effective oversight of the executive with OUTA's Rachel Fischer, Christopher Scholtz and Thabile Zuma. Watch [here](#).

26 October 2022: OUTA Hour celebrates the end of e-tolls announced in the MTBPS, with OUTA's Stefanie Fick and Andrea van Heerden and QuadPara CEO Ari Seirlis, who was one of the founders of the OUTA campaign against e-tolls in 2021, and an update on electoral reform with OUTA's Rachel Fischer. Watch [here](#).

2 November 2022: OUTA Hour discusses the long-awaited arrest and appearance in court of former Eskom executive Matshela Koko on state capture charges with OUTA's Rudie Heyneke and the recent MTBPS with economist Azar Jammie and OUTA's Wayne Duvenage. Watch [here](#).

9 November 2022: OUTA Hour discusses our challenge to the constitutionality of the AARTO law and the court case costs with OUTA's Stefanie Fick and OUTA's attorney in this case, Andri Jennings of Jennings Inc, and corruption in the National Lotteries Commission with OUTA's Brendan Slade, and OUTA's recent business breakfast with Wayne Duvenage. Watch [here](#).

10 November 2022: OUTA podcast with OUTA's Andrea van Heerden explaining OUTA's constitutional challenge to AARTO, which is coming up in the Constitutional Court on 15 November. Listen [here](#).

16 November 2022: OUTA Hour discusses electoral reform with OUTA's Rachel Fischer and academic Dr Sithembile Mbete, who wrote OUTA's recently published report on electoral reform, and an update on the AARTO court case from OUTA's Andrea van Heerden. Watch [here](#).

23 November 2022: OUTA Hour discusses our concerns about the City of Johannesburg's process of updating the property valuation roll. Watch [here](#).

28 November 2022: OUTA podcast with OUTA's Rudie Heyneke and Brendan Slade on the role of regulatory bodies in combatting corruption. Listen [here](#).

30 November 2022: OUTA Hour discusses OUTA's investigation into the Services Seta's R163 million contract with Grayson Reed with OUTA's Asavela Kakaza, and the Auditor-General (AG) annual report on national and provincial government with the AG's head of audit Bongzi Ngoma and OUTA's Wayne Duvenage. Watch [here](#).

14 December 2022: OUTA Hour discusses OUTA's referral of a complaint on Deputy President David Mabuza to the NPA with Advocate Jacques Joubert (counsel for Fred Daniel, the complainant in a long legal battle on Mpumalanga land grabs) and OUTA's Stefanie Fick and Wayne Duvenage. This show also includes a wrap of OUTA's year: the end of e-tolls, the AARTO case, the investigation report on the

Services SETA corruption, the campaign for a more meaningful Electoral Amendment Bill, OUTA's parliamentary oversight report, the defence of whistleblowers and the campaign to limit fuel levy increases. Watch [here](#).

18 January 2023: OUTA Hour discusses the electricity crisis with OUTA's Brendan Slade and Liz McDaid and energy expert Chris Yelland, and an e-tolls update with Wayne Duvenage. Watch [here](#).

25 January 2023: OUTA Hour discusses OUTA's legal action against NERSA and Karpowership, with OUTA's Stefanie Fick and energy expert Chris Yelland. OUTA's action is aimed at overturning the generation licences, and OUTA has asked the court to order NERSA to provide us with the full record of its decision to grant the licences. Watch [here](#).

1 February 2023: OUTA Hour discusses coalition politics with Lukhona Mnguni of the Rivonia Circle, Dr Michael Louis of One South Africa and OUTA's Wayne Duvenage. Watch [here](#).

2 February 2023: OUTA podcast with OUTA's Brendan Slade and energy expert Chris Yelland, who explain why they do not regard Karpowership as a solution to load-shedding and give an update on OUTA's legal action against the awarding of generation licences to Karpowership. Listen [here](#).

8 February 2023: OUTA Hour discusses the state of the nation ahead of the State of the Nation Address (SONA), with OUTA's Rachel Fischer (live from the Defend Our Democracy public meeting on the Real State of the Nation), Julius Kleyhans and Brendan Slade, plus an update on OUTA's legal battle with Sanral to obtain documents on the toll concessionaire contracts. Watch [here](#).

10 February 2023: Inside OUTA video, with OUTA's Wayne Duvenage interviewing Martha Ngoye, who blew the whistle on her employer, the state-owned Passenger Rail Agency of South Africa (Prasa), which then laid charges against her and suspended her. In February, an arbitration found her not guilty, but Prasa has refused to reinstate her. Watch [here](#).

15 February 2023: OUTA Hour discusses WaterCAN's new Map My Water digital tool and WaterCAN's recent webinar on water champions with WaterCAN's Ferriall Adam. Watch [here](#).

15 February 2023: OUTA podcast with WaterCAN's Ferriall Adam on how ordinary citizens can help protect South Africa's water resources. Listen [here](#).

22 February 2023: OUTA Hour discusses the City of Johannesburg property valuations and the City's new General Valuation Roll 2023 with Tim Tyrrell of OUTA's Community Action Network and Budget 2023 with OUTA's Wayne Duvenage. This is the final OUTA Hour show, now replaced by the OUTA Insights Update podcasts. Watch [here](#).

23 February 2023: The first OUTA Insights Update podcast, presented by OUTA's Ilse Salzwedel, discusses the Electoral Amendment Bill, passed this week by Parliament and sent to the President for signature, with OUTA's Rachel Fischer. Listen [here](#).

OUTA in Action: Brigade Brigade protests: 2022/23

8 March 2022: “Say no to fuel levy increases”, Brakfontein interchange, N1/N14, Eco Park.

10 March 2022: “Say no to fuel levy increases”, Rooihuiskraal Road bridge over N14, Thatchfield.

14 March 2022: “Say no to fuel levy increases”, Olifantsfontein Road bridge over N1, Halfway House.

15 March 2022: Supporting democracy at the public hearings on the Electoral Amendment Bill, Germiston.

18 March 2022: “Prosecute state capture culprits”, Guthrie Road bridge over N17, Wadeville.

25 March 2022: “Prosecute state capture culprits”, Grey Avenue bridge over N3, Alberton.

28 March 2022: “Prosecute state capture culprits”, Golden Highway bridge over N1, Diepkloof.

1 April 2022: “Prosecute state capture culprits”, Viking Road bridge over N1, Devland.

8 April 2022: “Prosecute state capture culprits”, Riviera Road bridge over M1, Houghton.

22 April 2022: “Help and support KZN flood victims”.

26 April 2022: “Help and support KZN flood victims”, Atlas Road bridge over R21, Kempton Park.

29 April 2022: “Help and support KZN flood victims”, Voortrekker Road bridge over N12, Benoni.

3 May 2022: “Prosecute state capture culprits”, Main Road bridge over N1, Fourways.

6 May 2022: “Prosecute state capture culprits”, Bowling Road bridge over N1, Rivonia.

9 May 2022: “Prosecute state capture culprits”, Kings Highway bridge over N1, Pretoria. [See [eNCA clip](#)]

13 May 2022: “Prosecute state capture culprits”, Enoch Sontonga Avenue bridge over M1, Braamfontein.

16 May 2022: “Prosecute state capture culprits”, Old Potchefstroom Road bridge over N1, Diepkloof.

20 May 2022: “Prosecute state capture culprits”, Viking Road bridge over N1, Devland.

23 May 2022: “Say no to fuel levy increases”, Aerodrome Road bridge over N12, Aeroton.

26 May 2022: “Say no to fuel levy increases”, Modderfontein Road bridge over N3, Edenvale.

30 May 2022: “Say no to fuel levy increases”, Linksfield Road bridge over N3, Edenvale.

3 June 2022: “Say no to fuel levy increases”, Olifantsfontein Road bridge over N1, Halfway House.

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

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

13 June 2022: “Say no to fuel levy increases”, Guthrie Road bridge over N17, Wadeville.

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

23 June 2022: Support for whistleblowers, Rahima Moosa Mother and Child Hospital, Fuel Road, Coronationville.

- 24 June 2022:** “Say no to fuel levy increases”, Rooihuiskraal Road bridge over N14, Centurion.
- 27 June 2022:** “Say no to fuel levy increases”, Barbara Road bridge over N12, Primrose.
- 1 July 2022:** “Say no to fuel levy increases”, Mzimhlope, Soweto.
- 4 July 2022:** “Say no to fuel levy increases”, Nasrec Road over N1, Nasrec, Soweto.
- 8 July 2022:** “Say no to fuel levy increases”, Boundary Road bridge over N12, Eldorado Park.
- 11 July 2022:** “Say no to fuel levy increases”, Aerodrome Road bridge over N12, Aeroton.
- 14 July 2022:** “Prosecute state capture culprits”, Le Roux Avenue bridge over N1, Midrand.
- 18 July 2022:** “Prosecute state capture culprits”, Meiring Naudé Road bridge over N4, Val de Grace, Pretoria East.
- 21 July 2022:** “Prosecute state capture culprits”, Grey Avenue bridge over N3, Alberton.
- 22 July 2022:** “Support our whistleblowers”, Johannesburg High Court, trial of six men accused of killing whistleblower Babita Deokaran.
- 25 July 2022:** “Prosecute state capture culprits”, Farquharson Road bridge over N17, Brakpan.
- 29 July 2022:** “Say no to fuel levy increases”, Hans Schoeman Street bridge over N1, Bromhof.
- 1 August 2022:** “Prosecute state capture culprits”, Guthrie Road over N17, Wadeville.
- 12 August 2022:** “Prosecute state capture culprits”, Cydonia Road bridge over N3, Bedfordview.
- 15 August 2022:** “Prosecute state capture culprits”, Bowling Road bridge over N1, Rivonia.
- 18 August 2022:** “Prosecute state capture culprits”, Marlboro Bridge N3, Sandton/Alexandra.
- 22 August 2022:** “Say no to fuel levy increases”, Olifantsfontein Road N2, Halfway House.
- 23 August 2022:** “Support our whistleblowers”, memorial for Babita Deokaran, Winchester.
- 25 August 2022:** “Say no to fuel levy increases”, Jean Ave bridge over N1, Centurion.
- 29 August 2022:** “Prosecute state capture culprits”, Modderfontein Road bridge over N3, Modderfontein.
- 31 August 2022:** “Support our whistleblowers”, outside Gauteng Health Department, Johannesburg.
- 2 September 2022:** “Prosecute state capture culprits”, Voortrekker Rd bridge over N12, Benoni.
- 5 September 2022:** “Prosecute state capture culprits”, Linksfield Rd bridge over N3, Edenvale.
- 9 September 2022:** “Prosecute state capture culprits”, Enoch Sontonga bridge over M1, Johannesburg.
- 12 September 2022:** “Prosecute state capture culprits”, Grey Avenue bridge over N3, Alberton.
- 15 September 2022:** “Prosecute state capture culprits”, at the PARI State Capture Conference at the University of Johannesburg.
- 20 September 2022:** “Polluters must pay”, OUTA WaterCAN protest outside Secunda Magistrate’s Court, at the appearance of Sasol on environmental charges.
- 21 September 2022:** “Prosecute state capture culprits”, Pretoria Commercial Crimes Court, at the appearance of former SAPS Commissioner Khomotso Phahlane.
- 23 September 2022:** “Prosecute state capture culprits”, Atlas Road bridge over R21, Kempton Park.
- 26 September 2022:** “Prosecute state capture culprits”, M57 bridge over R21, Irene.
- 30 September 2022:** “Prosecute state capture culprits”, Solomon Mahlangu Road bridge over N1, Pretoria East.
- 3 October 2022:** “Prosecute state capture culprits”, Meiring Naudé Road bridge over N4, Silverton, Pretoria.
- 10 October 2022:** “Government is the roadblock”, Kings Highway bridge over N1, Pretoria.
- 18 October 2022:** “We will NEVER pay e-tolls”, Main Road bridge over N1, Fourways.
- 21 October 2022:** “We will NEVER pay e-tolls”, Cydonia Road bridge over N3, Bedfordview.

24 October 2022: “We will NEVER pay e-tolls”, Aerodrome Road bridge over N12, Aeroton.

26 October 2022, 6am, the last e-tolls protest: “We will NEVER pay e-tolls”, Le Roux Avenue bridge over N1, Midrand.

26 October 2022, 5pm, the end of e-tolls: “Well done SA, our FREEWAYS are back!”, Hans Schoeman Street bridge over N1, Randburg.

27 October 2022: “Well done SA, our FREEWAYS are back!”, Voortrekker Road bridge over N12, Benoni.

27 October 2022: “Well done SA, our FREEWAYS are back!”, Linksfield Road bridge over N3, Edenvale.

28 October 2022: “Well done SA, our FREEWAYS are back!”, Kings Highway bridge over N1, Pretoria.

28 October 2022: “Well done SA, our FREEWAYS are back!”, Viking Road bridge over N1, Naturena.

31 October 2022: “Well done SA, our FREEWAYS are back!”, Main Road bridge over N1, Fourways.

3 November 2022: “Well done SA, our FREEWAYS are back!”, Atlas Road bridge over R21, Kempton Park.

7 November 2022: “Well done SA, our FREEWAYS are back!”, Modderfontein Road bridge over N3, Modderfontein.

11 November 2022: “Well done SA, our FREEWAYS are back!”, Marlboro Road bridge over N3, Linbro Park.

14 November 2022: “Well done SA, our FREEWAYS are back!”, Viking Road bridge over N1, Devland.

15 November 2022: “AARTO” is the new e-tolls”, outside the Concourt while OUTA’s case against AARTO was being heard.

17 November 2022: “Well done SA, our FREEWAYS are back!”, Kings Highway over N1, Pretoria.

18 November 2022: “Support our whistleblowers”, Johannesburg High Court, appearance of men charged with the murder of Babita Deokaran.

28 November 2022: “Well done SA, our FREEWAYS are back!”, Boeing Road bridge over N12/R24, Edenvale.

30 November 2022: “Prosecute state capture culprits” and “Bring back the Guptas”, Palm Ridge Specialised Crimes Court at the appearance of Brian Molefe, Anoj Singh, Siyabonga Gama and others in connection with Transnet corruption.

5 December 2022: “Well done SA, our FREEWAYS are back!”, Olifantsfontein Road bridge over N1, Halfway House.

13 January 2023: “Prosecute state capture culprits”, Aerodrome Road bridge over N2, Aeroton.

16 January 2023: “Prosecute state capture culprits”, Cydonia Road bridge over N3, Bedfordview.

27 January 2023: “Prosecute state capture culprits”, Linksfield Road bridge over N3, Edenvale.

30 January 2023: “Prosecute state capture culprits”, Le Roux Avenue bridge over N1, Midrand.

6 February 2023: “Government is the roadblock”, Modderfontein Road bridge over N3, Edenvale.

16 February 2023: “Government is the roadblock”, Main Road bridge over N1, Fourways.

20 February 2023: “Government is the roadblock”, Jean Avenue bridge over N1, Centurion.

24 February 2023: “Government is the roadblock”, Viking Road bridge over N1, Devland.

27 February 2023: “Government is the roadblock”, Voortrekker Road bridge over N12, Benoni.

NETWORKING: OUTA PARTICIPATES IN THESE FORUMS



Civil society electoral reform interest group



Civil Society Working Group on Political Party Funding



Civil Society Working Group on State Capture



Civil Society Working Group on the National Prosecuting Authority



Defend Our Democracy



Health Sector Anti-Corruption Forum



Local Government Anti-Corruption Forum



National Anti-Corruption Strategy Reference Group



Parliamentary Public Participation Working Group

OUTA PROJECTS 2022/23:

Executive Director –
Accountability Division:
Stefanie Fick



Energy

Organisation Undoing Tax Abuse (OUTA) **OUTA**
ORGANISATION UNDOING TAX ABUSE

INVITATION TO PRESS CONFERENCE (Online)

Date: Thursday, 28 April 2022
Time: 10h00
Subject: OUTA institutes legal action to review NERSA's decision to grant generation licences to three Karpowership IPP companies

REGISTRATION ESSENTIAL



Transport



Public
governance



OUTA PROJECTS: 2022/23

LEGAL CHALLENGE TO THE KARPOWERSHIP GENERATION LICENCES

On 26 April 2022, OUTA lodged a legal challenge in the Pretoria High Court against the decisions of the National Energy Regulator of South Africa (NERSA) to grant electricity generation licences to the three Karpowership independent power producer companies. OUTA asked the court to review the decisions in terms of the Promotion of Administrative Justice Act and order NERSA to reconsider. OUTA's application was opposed by NERSA and the Karpowership companies, while Eskom indicated it would abide by the decision of the court.

NERSA awarded the licences after Karpowership was announced as preferred bidder in the Risk Mitigation Independent Power Producer Procurement Programme (RMIPPPP), which started in July 2020 and was supposed to be an emergency process but has yet to deliver.

OUTA believes that NERSA failed to take into account the environmental, social and economic impacts of the ships when granting the licences, that Karpowership failed to obtain environmental authorisations, port authorisations, water licences, emissions licences, waste management licences, various gas infrastructure construction, operating and trading licences, fuel supply agreements and power purchase agreements, and that NERSA's decisions were procedurally unfair, irrational and unlawful. OUTA also raised concern over the lack of transparency on the projected price of electricity linked to Karpowership: the Karpowership bid price in April 2020 was about R1.50/kWh and NERSA said this would be up to R2.80/kWh from April 2022, but an independent consultant used by OUTA estimated the price in April 2022 was close to R5/kWh, roughly two to three times the cost of alternative generation methods. OUTA's application questions how NERSA assessed the costs.



(Image: Wikimedia)

OUTA PROJECTS: 2022/23

As part of the application, OUTA called for a full copy of NERSA's record of decisions and reasons for the decisions. NERSA provided only a redacted copy. On 23 January 2023, OUTA filed an application calling on the court to compel NERSA to provide the full record. NERSA and Karpowership are opposing this and will not even identify the information being withheld. This matter is still ongoing. More information on this project is [here](#).

LEGAL CHALLENGE TO THE NATIONAL STATE OF DISASTER

On 8 February 2023, President Cyril Ramaphosa announced that a national state of disaster had been declared in connection with the electricity supply constraints. On 16 February 2023, OUTA filed an urgent application against the government to overturn the state of disaster.

OUTA believes that the decisions to classify the electricity supply crisis as a disaster and then to declare a national state of disaster were irrational, arbitrary and unlawful. South Africa has struggled for more than 15 years with electricity shortages, and this could not overnight transform into a national disaster. The Disaster Management Act says disasters do not include occurrences which can be dealt with effectively in terms of other national legislation; such legislation exists to deal effectively with emergency electricity procurement. OUTA was also concerned that the state of disaster will be used to abuse powers and enable large-scale looting, but will not help resolve the electricity crisis. This is why we challenged it.

"Years of state capture, mismanagement and a dysfunctional culture cannot be a rational justification for the declaration of a national state of disaster," said OUTA's founding affidavit. "If the

(Image: Flickr/GovernmentZA / OUTA)



OUTA PROJECTS: 2022/23

decision to declare a national state of disaster due to this self-created crisis by the Government is allowed to stand, it will open the floodgates for further such disasters to be declared in various other sectors that suffered from similar dysfunction, mismanagement, and corruption. Declaring a national state of disaster will, in effect, become a tool for the Government to circumvent accountability and hide behind the excuse of a disaster to reach an apparent ‘quick fix’ for problems that were years in the making.” More information on this project is [here](#).

DEMANDING TRANSPARENCY AND PARTICIPATION: THE NATIONAL NUCLEAR REGULATOR

OUTA continued to demand transparency from the National Nuclear Regulator (NNR) over the removal of Koeberg Alert’s Peter Becker from the board in January 2022, allegedly because of his anti-nuclear stance. His removal took place less than a year after his much-delayed appointment to the board as the civil society representative and shortly before the board took a key decision on prolonging the life of the Koeberg nuclear power station. OUTA had supported Becker’s appointment to the board and objected to his removal. OUTA is also concerned about the secrecy by both Eskom and NERSA over the Koeberg extension-of-life project.

In September 2022, OUTA filed two requests for information to the NNR in terms of the Promotion of Access to Information Act (PAIA), asking for: copies of all NNR board resolutions, decisions and minutes of meetings in January and February 2022; all information the NNR sent to the Minister of Mineral Resources and Energy in support of its call for Becker’s removal; on the declared conflicts

of interest reported by board members; and copies of all board meetings from April 2021 to January 2022 (see [here](#) and [here](#)). The NNR refused both requests and appeals.

In January 2023, OUTA filed two complaints with the Information Regulator over the NNR’s refusal to comply with both requests for information. See the outline of the complaints [here](#). The outcome is awaited.

Also in January 2023, the Western Cape High Court ruled that Becker’s removal from the board was unconstitutional and reinstated him. This judgment clarifies that the board’s role is regulation, not nuclear advocacy, and that Becker’s engagement with civil society while a board member was not a conflict of interest. See OUTA’s comment on the judgment [here](#). However, by the end of February 2022, Becker was still blocked from returning to the board. More information on this project is [here](#).

CHALLENGING HIGH ELECTRICITY PRICES

OUTA continued to oppose high electricity prices, through a year affected by repeated load-shedding. In March 2022, OUTA submitted comments to NERSA opposing Eskom’s application for a regulatory clearing account top-up for 2021/22 (a clawback of historic losses for Eskom through price increases) and calling for the pricing mechanism to be overhauled. Two weeks later, OUTA made two submissions to the Minister of Mineral Resources and Energy, commenting on the draft Electricity Pricing Policy and the Electricity Regulation Amendment Bill.

OUTA pointed out that electricity regulation and pricing affects all consumers, but officials

OUTA PROJECTS: 2022/23

do not make enough effort to ensure that proposed policies and legislation are sufficiently understandable for the public, undermining the public participation process (see [here](#)).

In July 2022, OUTA joined 15 other civil society organisations calling on the Minister of Mineral Resources and Energy to allow new renewable energy to be built and connected to the grid immediately; the ministry had at that stage issued determinations for only 6 800 MW of renewable energy of the 20 400 MW in the government's plan to 2030. In August 2022, OUTA made a submission to NERSA on its consultation paper on the methodology for determining electricity prices and tariffs.

In September 2022, OUTA made a submission to NERSA on Eskom's multi-year price determination application for 2023/24 to 2024/25 (MYPD5), in which OUTA called for NERSA to limit Eskom's increase to a CPI increase only. In January 2023, NERSA granted Eskom increases of 18.65% for 2023/24 and 12.74% for 2024/25. More information on this project is [here](#).

WAITING FOR THE AARTO DECISION

OUTA's legal challenge to the Administrative Adjudication of Road Traffic Offences Act (AARTO) started in July 2020 in the Pretoria High Court. In January 2022, OUTA won this case when the court found that both the AARTO Act and the AARTO Amendment Act were unconstitutional and invalid. On 3 February 2022, OUTA applied to the Constitutional Court (Concourt) for confirmation of the Pretoria High Court ruling, as the Concourt must confirm any judgment declaring



a law to be unconstitutional. The Minister of Transport and the transport entity, the Road Traffic Infringement Agency (RTIA), which had opposed OUTA's case in the high court, filed appeals against the high court judgment in the Concourt and also opposed OUTA's application for confirmation. The transport entity, the Road Traffic Management Corporation (RTMC), joined the case in the Concourt to oppose OUTA's case. The City of Cape Town joined the case in the Concourt as an amicus curiae (friend of the court) in support of the declaration of invalidity. All the Concourt applications were heard in a single hearing on 15 November 2022. Judgment is awaited. More information on this project is [here](#).

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WAITING FOR THE DRIVING LICENCE EXTENSION

Since 2020, OUTA has been calling for improvements in the chaotic driving licence card renewal process.

In Gauteng – where an electronic booking system was introduced – the situation became untenable in 2019/20. The online system was frequently down, although motorists must use it to secure bookings to apply for licence cards. Problems were made much worse nationally when the sole machine for printing driving licence cards broke down for months. The National Road Traffic Information System (NaTIS), the licencing system’s national backbone, was also frequently offline.

These are the key problems OUTA wants resolved:

- We want the validity of the licence cards to be extended from five years to ten years to improve efficiency and reduce costs for motorists. The driving licences themselves do not expire, only the cards which are proof of the licences. OUTA wrote to the Minister of Transport in September 2020 and December 2021, calling for the extension, and met with the Minister in March 2022 to raise this. Despite numerous follow-ups by OUTA, there was no feedback from the Minister and no extension was announced.
- We want the Driving Licence Card Account, the entity of the Department of Transport which produces the cards, to finalise the procurement of a new card production machine to replace the one that breaks down. We want to see a clear plan from government to address the widespread corruption and waste in the Driving Licence Testing Centre system and transport entities.

- We want transparency, particularly on fees. In November 2022, OUTA filed an application in terms of PAIA to the RTMC, calling for a copy of the RTMC’s research report on the validity period and clarity on the fees charged to motorists. The RTMC refused this and, in February 2023, OUTA filed an internal appeal against the refusal. The outcome is awaited.

In May 2022, OUTA published a guide for motorists on how to renew an expired driving licence. See [here](#). More information on this project is [here](#).

DEMANDING TRANSPARENCY ON TOLL CONCESSIONAIRE PROFITS

OUTA wants to know how much the South African National Roads Agency Ltd (Sanral) toll road operators (the concessionaires) are collecting, how much they hand over to Sanral and what profits they make.

During 2019 and 2020, OUTA submitted formal requests for information in terms of PAIA to Sanral asking for information on the contracts and financials of the three toll road concessionaires, N3 Toll Concession (N3TC), Bakwena Platinum Corridor Concessionaire and Trans African Concessions (Trac). Sanral refused all these requests and OUTA is challenging the refusals in court.

During 2022/23, progress on these matters was slow. In the N3TC matter, N3TC was granted leave to join the case, to oppose OUTA’s request for information. Both N3TC and OUTA subsequently filed the required papers, but OUTA had to bring an application to compel Sanral to file heads of

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Expired Driver's Licence What to do

OUTA
ORGANISATION UNDOING TAX ABUSE



Introduction

OUTA compiled the following guide to assist motorists who have been unable to renew their driver's licence cards, and as a result are facing fines for driving with an expired driving licence card.

Lockdowns, faulty equipment, and poor administrative practices have given rise to hundreds of thousands of motorists having to drive with expired licence cards. The Minister of Transport Fikile Mbalula has on several occasions extended the grace period validity of expired driver's licence cards, to overcome the backlog, with no further extension provided beyond 5 May 2022. We believe hundreds of thousands of motorists will not have their licences renewed on time and according to the minister, fines will be issued to motorists with expired licence cards who are stopped by law enforcement authorities, however, that law enforcement will assist motorists who can demonstrate they have experienced real challenges in renewing their licence cards.

Important to know

An expired driver's licence card is deemed to be valid for a further three months from the initial expiry date, if motorist can prove that they have applied for a new card, and provided that the expired card and the proof (receipt) are kept in the vehicle at all times.



Renewing your driving licence card

1. All driver's licence testing centres (DLTCs) will accept walk-ins until 31 May 2022.
2. Until the end of May 2022, testing centres will extend their hours by two hours and remain open on weekends.
3. Keep records of interactions with the authorities. Keep detailed records (date, time, and place) of all attempts to obtain a new driver's licence card and where possible, take photos, screen shots or video recordings of your attempts. This includes your attempts to make a booking as well as the renewal process. Keep a copy of these in the vehicle at all times.
4. If your licence card has expired or will expire before you receive your new licence card, purchase a temporary licence when you are at the testing station and keep your temporary licence with you when driving a vehicle.

argument, which was made an order of court in January 2023; Sanral subsequently filed the argument. This matter is now waiting for a court date for a hearing.

In the Bakwena matter, Bakwena was granted leave to join the case, to oppose OUTA's request for information. There were various delays with filing papers and the matter was set down for hearing in April 2023.

In the Trac matter, Sanral had failed to oppose OUTA's application, resulting in a judgment in OUTA's favour in November 2021 in which the court ordered Sanral to hand over the information. Sanral subsequently claimed this had been an oversight and, during 2022, brought an application for rescission of that judgment. The matter is due

back in court during 2023. More information on this project is [here](#).

E-TOLLS ARE OVER, BUT NOT FINALISED

On 26 October 2022, Minister of Finance Enoch Godongwana announced in his Medium-Term Budget Policy Statement (MTBPS 2022) in Parliament that an alternative funding method would be found for the Gauteng Freeway Improvement Project (GFIP) debt, effectively ending e-tolls. This was an enormous win for OUTA and our supporters, illustrating the power of united civil action in a campaign that took years. Opposing the e-tolls has been a core project for OUTA since the organisation was launched a decade ago.

While the announcement was welcome, months later there was still no legal finality on the closure of e-tolls or clarity on the debt or the funding for paying it off. OUTA raised questions on the finances with Parliament's Standing and Select Committees on Appropriations during the public comment process on MTBPS 2022 but did not get an explanation (see the section Watching Budget 2022).

Key issues to be resolved:

Closing down the scheme: Despite Minister Godongwana's announcement, the e-toll gantries remained switched on and motorists continued to receive bills. OUTA has called on the Minister of Transport and Sanral to de-proclaim the Gauteng roads as toll roads to formally end the scheme. This is still awaited.

How much is the GFIP debt? The total Sanral debt as at March 2022 was R49.597 billion. In October 2022, Treasury said the total GFIP debt was R43 billion,

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but failed to explain how this was calculated. OUTA has questioned the GFIP debt based on the original cost of the upgrades as R20 billion and taking into account that debt payments have presumably been made.

What is Gauteng paying towards GFIP debt and why? It is unclear how Gauteng's share is being calculated and why Gauteng should pay anything. These payments were not included in the Gauteng MTBPS 2022 or the Gauteng Budget 2023 and there is no clarity on this.

Double billing: Although National Treasury's huge additional allocation of R27.476 billion in terms of the MTBPS 2022 was transferred to Sanral – and thus funded by taxpayers – motorists are still being charged e-tolls, which is effectively double-billing. There is no explanation for this.

The e-toll cases: OUTA is waiting for clarity on the cases which Sanral has brought against e-toll defaulters whom OUTA's lawyers are defending. These cases cannot be finalised until the e-tolls are legally ended and Sanral withdraws the cases. OUTA is defending 2 028 cases on behalf of e-toll defaulters who received summonses from Sanral, in the high court and magistrates' courts. For more on OUTA's campaign against e-tolls, see [here](#).

CAMPAIGNING FOR A LOWER FUEL LEVY

OUTA continued to campaign for the reduction or capping of the fuel levies, a campaign which started in July 2018 when we called for a reduction in the general fuel levy of R1 per litre. OUTA's protest team on the Gauteng bridges frequently flies our "Say no to fuel levy increases" banner. OUTA believes that the burden of high fuel levies, which



(Image: Shutterstock)

impact on the high fuel price, is the direct result of the past decade of corruption and abuse of public funds. In February 2022, the fuel levies were not increased in the Budget for the first time in decades.

On 31 March 2022, Finance Minister Enoch Godongwana announced a temporary reduction in the fuel levy of R1.50 per litre for two months. In May 2022, OUTA wrote to Minister Godongwana, calling for this reduction to be extended beyond the planned deadline of 31 May. A two-month extension of the reprieve was subsequently granted: the decrease of R1.50 a litre continued to 6 July, then the reprieve was 75c/l until 2 August 2022 and, from 3 August, all relief ended. In February 2023, the national Budget again did not increase the fuel levies. We believe pressure from civil society was crucial in pressurising government to offer the temporary reduction and to cap the increases two years in a row. OUTA continues to call for the review of the entire fuel price. More information on this project is [here](#).

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PARLIAMENT IS STILL FAILING SOUTH AFRICA

In October 2022, OUTA published our fourth annual Parliamentary Oversight Report which again finds that Parliament is a failed institution.

OUTA's comprehensive report, *Kicking the can down the road: OUTA 2022 Report on Parliamentary Oversight in South Africa*, was compiled by OUTA's Parliamentary Engagement Office and covers July 2021 to June 2022.

Each of our previous reports was strongly critical of the failure by Members of Parliament (MPs) to hold the executive – the ministers in Cabinet and the President – to account. 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.

Our report focuses on the National Assembly side of Parliament, and the portfolio committees operated by our MPs which are responsible for oversight of the executive and government. We assessed the work of ten of these committees. There were spots of good work but too many disappointments. We found a Parliament mired in the aftermath of state capture, unable or unwilling to hold the executive to account, routinely approving budgets despite flagrant financial mismanagement, continuing to regard public participation as a tick-box exercise, and resisting the responsibility of implementing electoral reform to serve party interests.

We expect more of our parliamentarians, who promise in their oath of office to “obey, respect and uphold the Constitution and all other law of the Republic”, and whose job is set down in the Constitution as including “scrutinising and overseeing executive action”.

If our democracy is to survive, we need ethical, hard-working parliamentarians who stand up against corruption and work in the public interest. We do not have enough of them. We also encourage the public to be more active, to demand engagement with Parliament and to demand that their voices are heard. We need active citizens to defend our democracy.

Our report includes recommendations for strengthening oversight by Parliament of the executive and government.

In a follow-up to our 2020/21 report on parliamentary oversight (the third report), OUTA attended a meeting of the Portfolio Committee on Mineral Resources and Energy in September 2022 and made a presentation on our report (which was critical of the committee's performance), explaining that OUTA wants a responsive Parliament that holds the executive accountable.

In June 2022, OUTA marked the International Day of Parliamentarianism with a protest outside Parliament, calling for Parliament to prioritise public engagement and calling on the public to engage with Parliament. More information on OUTA's parliamentary oversight reports is [here](#).

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BUILDING STATE CAPACITY

In November 2022, OUTA presented a research paper at the National Development Plan and State Capacity Conference in Durban, *A critical reflection on the state of parliamentary oversight*. OUTA's parliamentary engagement and research manager Rachel Fischer presented the paper on *State Capture, Ethics and Government Performance*, and also joined the opening plenary session and presented in the panel on *Ethics, Accountability and State Capture*. This paper is due to be published in a book series on state capture.

OUTA's paper comments on the inadequacy of Parliament's oversight of the executive, drawing on the insights of the four annual reports OUTA has produced assessing parliamentary oversight. A recurrent finding in those reports is the need to improve on and implement Parliament's Oversight and Accountability Model, with particular concerns raised over inadequate public participation. The National Development Plan, adopted by Parliament in August 2012, emphasises the interdependence of active citizenship and government accountability and responsiveness. OUTA has frequently emphasised the value of active involvement by citizens in holding government to account, thereby strengthening democracy. Read more [here](#) and [here](#).

PUSHING FOR MEANINGFUL ELECTORAL REFORM

By January 2023, OUTA had made our fourth submission to Parliament criticising the Electoral

Amendment Bill, as part of a broad civil society campaign calling for meaningful electoral reform. Our previous submissions were in February 2021, February 2022 and September 2022. In each submission, we identified problems in the bill and in the process. We were ignored and, at the end of February 2023, Parliament passed the bill and sent it to the President for signature.

OUTA has been working with other civil society organisations interested in electoral reform and there is broad agreement on the shortcomings of the bill. We want to see a constituency-based system that makes politicians more accountable to voters.

OUTA has been involved in campaigning for electoral reform since July 2019, when we applied to join the Constitutional Court case on electoral reform as an *amicus curiae* (friend of the court). This case resulted in the Concourt declaring sections of the Electoral Act unconstitutional and giving Parliament two years to rewrite the law to allow independent candidates in provincial and national elections. Unfortunately, Parliament resisted this opportunity and delayed, resulting in Parliament having to twice ask the Concourt for extensions and ultimately rushing through legislation that civil society believes is inadequate. This bill is the result of an ineffectual Parliament that prioritises the party over the country.

OUTA believes that while the bill allows for independent candidates, it remains biased against them by setting higher quotas for signatures to get onto the ballot and by failing to resolve the problem of wasted votes for independents. This

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Support for International Day of Parliamentarism

William Gumede
Chairperson, Democracy Works Foundation



“ A democratically elected Parliament is the basic pillar of a democratic system. Parliaments are essentially the voice of citizens and the institution that holds leaders accountable on behalf of citizens. Through Parliament, ordinary citizens participate in national governance. Effective Parliaments, which allow for maximum participation of ordinary citizens and which hold elected and public representatives accountable are essential for public service delivery, country prosperity and societal peace. ”

Nancy Msibi
Private citizen



“ Parliament is a custodian of the will of the people. Members of Parliament have an important task to represent the people of South Africa. Therefore, they must at all times put the interests of the people before their own and before that of their political party. ”

INTERNATIONAL DAY of PARLIAMENTARISM  **OUTA**

Support for International Day of Parliamentarism

Pearl Motolwana
Citizens Parliament



“ In a perfect world, Parliament is a custodian of citizens' well-being, aspirations, hopes and dreams. It holds a direct representative forum on behalf of the populace to enter into righteous agreements that ensure the fulfilment of this custodianship through moral, ethical and servant leadership. ”

Motlatsi Komote
Dullah Omar Institute (Women and Democracy Initiative)



“ The Parliament of the Republic of South Africa, as a legislature, is an important site for the realisation of our democracy. It is an avenue for members of the public to actively participate in and provide input on law-making and other processes relating to appointments of heads of Chapter Nine Institutions. Parliament is a place within which the Executive can be held accountable for its decisions and most importantly, a place for the public to contribute its voice on the realisation of rights afforded in the Constitution. ”

INTERNATIONAL DAY of PARLIAMENTARISM  **OUTA**

does not provide the broad electoral reform we had wanted.

OUTA continued to encourage public education on the need for electoral reform, including holding two webinars explaining the bill, protesting outside Parliament against the bill with other civil society organisations, and publishing a report on electoral reform compiled by Dr Sithembile Mbete and My Vote Counts, *Research Report: Electoral Reform*.

OUTA will continue to campaign for genuine electoral reform and remains committed to working with civil society organisations on this. We are considering our options on the way ahead.

In December 2022, as part of our commitment to active citizenry and electoral reform, we launched our Be the Boss campaign which encourages citizens to take back control and participate in democracy by registering as voters and voting in elections. See [here](#). More information on this project is [here](#).

CRIMINAL COMPLAINT OVER SERVICES SETA CONTRACT

In November 2022, OUTA opened a criminal complaint at the Parkview police station in Johannesburg against the Services Sector Education and Training Authority (Services SETA) and the Grayson Reed consortium in connection with an irregular contract awarded in October 2017 worth R163 million. Our complaint was backed up by a report we compiled detailing irregularities in the tender and contract.

This report was the result of an investigation which started four years before, in 2018, when OUTA was tipped off by a whistleblower about the Grayson Reed contract. Despite OUTA publishing key allegations and concerns at the time, calling for the contract to be cancelled and refunded, and providing a submission to Parliament, little was done by authorities.

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As part of this investigation, OUTA requested information on the contract from the Services SETA in January 2019, but this was refused. OUTA challenged this refusal in court and, in November 2021, the court ordered the SETA to provide OUTA with the information. This was used in our report and forms the basis of the criminal complaint.

Our report found irregularities in the tender advertising and award, and the appointment of a business without the required experience, which had never previously declared any revenue to SARS and which opened a business bank account shortly before submitting its bid. There was no clarity on whether services had in fact been delivered. Travel claims appeared grossly inflated, to the point that it looked like every Grayson Reed employee was travelling daily by Uber and filling up their vehicles with fuel every second day and claiming this from the Services SETA.

OUTA's investigation into the Services SETA resulted in investigations into other tertiary education entities, including the National Student Financial Aid Scheme (NSFAS).

The SETAs are taxpayer-funded state-owned entities which are intended to manage and create learnerships, internships, unit-based skills programmes and apprenticeships. They are intended to empower learners and potential employees to obtain employment and earn a sustainable living, which is crucial expenditure in a country with such high levels of youth unemployment. In the last three years (2019/20 to 2021/22) the Services SETA has received revenue of R4.277 billion from levies paid by employers in the

services sector which it is meant to serve. OUTA is concerned that these funds are not being spent in a responsible way that benefits the youth. More this project is [here](#).

INVESTIGATING HOW NSFAS SPENDS STUDENT FUNDS

OUTA's investigation into the National Student Financial Aid Scheme (NSFAS) was sparked off in 2022 by our investigation into irregularities at the Services SETA, when we found that Services SETA contractors were linked to other tenders among the SETAs and NSFAS. The SETAs and NSFAS fall under the Department of Higher Education and Training.

In February 2023, we published the report on our investigation. The report assessed three tenders: a tender for paying NSFAS allowances to students, a student allowance calculation tool tender, and a lease for the NSFAS head office. On the tender for paying allowances, NSFAS hired businesses without banking licences or VAT registrations to make payment of the allowances using accounts which are more expensive for students than standard commercial bank student accounts. On the allowance calculation tool tender, NSFAS appointed a business that was paid most of the contract value but failed to finish the job, which had to be redone by a new contractor. For its head office, NSFAS leased an office in the Cape Town Foreshore on a five-year lease at a cost of R167 million; based on the total NSFAS headcount of 451, that works out at an average cost of R74 000 per employee per year (at a time when NSFAS had

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cut student accommodation funding to R45 000 per student per year).

We believe these tender awards are irregular. We question whether awards are draining NSFAS resources and contributing to its cuts to student subsidies.

In October 2022, OUTA filed requests to NSFAS for the tender documents in terms of PAIA, but in December, NSFAS refused this request. OUTA is pursuing this and may refer the matter to the Information Regulator for a review of the NSFAS refusal. OUTA continues to pursue this matter. More information on this project is [here](#).

FILING A CRIMINAL COMPLAINT AGAINST DEPUTY PRESIDENT DAVID MABUZA

On 5 December 2022, OUTA referred a criminal complaint against Deputy President David Mabuza and others to the Investigating Directorate of the National Prosecuting Authority (NPA), calling for charges of organised crime to be brought against them.

This is a direct referral to the Investigating Directorate, in terms of section 27 of the National Prosecuting Authority Act.

OUTA took this action to encourage accountability even of the powerful, after law enforcement ignored this matter for years.

The referral names as suspects 13 individuals, including Mabuza, and two businesses. It asks that they be charged under the umbrella offence of contravening section 2(1) of the Prevention of Organised Crime Act

(Image: Flickr/GovernmentZA)



(POCA), which refers to racketeering activities, in that they acquired or maintained, directly or indirectly, interest in or control of the following criminal enterprises: a land restitution scam, involving obtaining beneficial control of vast tracts of land (sometimes fraudulently) and selling the land at inflated prices to the Commission on Restitution of Land Rights; and a Problem Animal Fund enterprise, which generated income by killing wildlife and aiding and abetting the land restitution scam.

OUTA's interest in this complaint is the damage done to the South African and Mpumalanga economy because of corrupt interests in land restitution and the wildlife sector in Badplaas in Mpumalanga, which has been estimated to have cost as much as R35 billion in lost investment and revenue.

The case revolves around the claims of corruption which conservationist and whistleblower Fred Daniel has raised over several years and, although much has been written and exposed

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about this matter, law enforcement has failed to take effective action. The evidence in OUTA's referral comes from court records in Daniel's civil action against the Mpumalanga Tourism and Parks Agency and others in the Pretoria High Court. Six police dockets have gone missing in this matter, pointing to a high-level cover-up. Mabuza is not cited as a defendant in the Daniel litigation, but his shadow looms over it. More information on this project is [here](#).

CALLING FOR TRANSPARENCY IN GENDER EQUALITY APPOINTMENTS

During 2022, OUTA campaigned for greater transparency and public participation in the appointment of new commissioners for the crucially important Commission for Gender Equality (CGE), an institution set up in terms of Chapter 9 of the Constitution to promote democracy. This commission has been mired in scandal, failed to carry out its mandate diligently and was plagued by governance problems. OUTA believes the appointment process was inadequate, raising concern over whether the best candidates were appointed.

In July 2022, OUTA wrote to Parliament's Portfolio Committee on Women, Youth and Persons with Disabilities, calling for the extension of the period for applications for new commissioners, after the committee allowed just 22 days for nominations and applications. OUTA wanted the committee to ensure a more inclusive and publicly engaged process, to improve the chances of finding the best possible candidates.

"Independent, impartial, and robust institutions, such as Chapter 9 institutions like the CGE, that act in the public interest are imperative to safeguarding South Africa's constitutional democracy. The collapse of these institutions gives rise to a situation where public resources are misappropriated for private gain, where impunity prevails, and where the public is made vulnerable to abuse of our constitutional rights," said OUTA's letter.

In September 2022, OUTA joined a group of more than 40 civil society organisations and prominent individuals who wrote to the portfolio committee to object to the limited public participation process for commenting on the shortlisted commissioner candidates.

The group called for the public comment period to be extended beyond ten days, for the release of the candidates' resumes and for the limit on comment length to be lifted.

Later in September, OUTA and the other organisations submitted joint comment on the candidates, calling for a third of them to be dropped due to red flags. The committee refused to extend the public participation period or release the candidates' resumes, leaving unanswered questions over what was being hidden.

In February 2023, President Ramaphosa appointed five commissioners on the recommendation of the portfolio committee, including two people who had been red-flagged by OUTA. More information on this project is [here](#).

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WATCHING BUDGET 2022 AND QUESTIONING SANRAL BAILOUTS

During the MTBPS of October 2022, the Minister of Finance announced the end of e-tolls and included two bailouts for Sanral in the adjustments for transferring before the end of the financial year on 31 March 2023. In November 2022, as part of the public participation process, OUTA made a submission to the Standing and Select Committees on Appropriations, calling for clear explanations on the Sanral debt and the GFIP portion of this and questioning the need for the bailouts in light of the history of significant payments by the national fiscus towards this debt.

The MTBPS included a reallocation of R3.740 billion to Sanral for the Gauteng Freeway Improvement Project (GFIP) and a proposed transfer of R23.736 billion through the Special Appropriation Bill. The big bailout was presented as being an initial payment in terms of national government's promise to pay off 70% of the Sanral debt, leaving 30% for the Gauteng government to pay, and thus ending the e-tolls.

In our submission, we noted that the cost of the GFIP upgrade was R20 billion and that Sanral borrowed R20 billion to fund this. We also noted that since 2011/12, national government has authorised government grants totalling R26.313 billion to Sanral, explicitly for the GFIP (excluding the two MTBPS 2022 bailouts). However, the GFIP debt remains inexplicably high, as National Treasury said this was R43.031 billion in March 2022.

We asked for clear explanations of the debt and payments on it, but this was not forthcoming.

OUTA's submission also commented on other aspects of MTBPS 2022. More information on this project is [here](#).

WATCHING FOR PROGRESS IN STATE CAPTURE PROSECUTIONS

During 2022, progress in state capture prosecutions was slow but there were some positive activities. There were two matters in which arrests were made and the accused appeared for the first time in court in connection with state capture allegations. OUTA had previously provided substantial information to the NPA on both matters. In the third matter, OUTA had laid a criminal complaint with the SAPS against the accused in 2017 and provided information to back this up. This was part of our efforts to support the prosecution of state capture cases.

The first case related to allegations of corrupt dealings and kickbacks linked to Transnet's \$2.5 billion loan facility from the China Development Bank as part of the financing for the purchase of 1 064 freight locomotives.



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In May 2022, six former Transnet officials and Gupta associates, including former Transnet CEO Siyabonga Gama, were arrested and appeared in the Palm Ridge Specialised Commercial Crimes Court on state capture charges. In August 2022, more suspects, including former Transnet executives Brian Molefe and Anoj Singh, were arrested and appeared in court in this case.

OUTA had contributed to this prosecution by submitting a detailed affidavit to the NPA in August 2020 on suspected criminal acts relating to this loan, involving Transnet officials and Gupta associates who arranged this loan at higher than market-rate interest rates, allegedly taking a pay-off of R189.240 million for themselves as “success” fee. OUTA tracked the money flows and gave this information to the NPA’s Investigating Directorate as a lengthy affidavit with annexures. Our submission tracked the money flows and outlined the planning, negotiation and commissions paid on this deal (retrieved from the #GuptaLeaks, from various datasets submitted to OUTA, whistleblower reports, Transnet-related documents submitted to the Commission of Inquiry into State Capture, and the Companies and Intellectual Property Commission database) and called for prosecutions. See more [here](#).

We were encouraged by the start of this prosecution as it involves people who held powerful positions and are implicated in significant loss of public funds. See more [here](#).

In the second case, former minister Mosebenzi Zwane appeared in the Bloemfontein Magistrate’s Court in September 2022 on charges relating

to the R280 million Estina dairy farm project, a state capture project. OUTA did substantial work to encourage the prosecution of Zwane over his alleged involvement in state capture activities, including laying a criminal complaint against him in July 2017 and referring information about his activities to the NPA in October 2019. Some of the documents OUTA retrieved from the more than 2.2 million documents in the #GuptaLeaks now support the prosecution against Zwane. See more [here](#).

In the third matter, former Eskom executive Matshela Koko and others were arrested and appeared in court in October 2022 in connection with state capture allegations, arising from a multibillion-rand contract between Eskom and Swiss Engineering company Asea Brown Boveri (ABB) in 2015. OUTA had laid a criminal complaint against Koko in 2017 in connection with state capture allegations and has repeatedly called for an investigation into his activities. More on this is [here](#). OUTA will be watching these cases.

ACCOUNTABILITY WIN: PUBLIC PROTECTOR UPHOLDS OUTA COMPLAINT ON SASSA, ORDERS CRIMINAL INVESTIGATION

In June 2018, OUTA submitted a detailed complaint to the Office of the Public Protector about contracts issued by the South African Social Security Agency (SASSA), the state agency responsible for paying social grants.

On 30 September 2022, more than four years

OUTA PROJECTS: 2022/23

later, Acting Public Protector Advocate Kholeka Gcaleka published a report upholding OUTA's complaint. The Public Protector ordered the Hawks to investigate possible bid rigging and corruption by two businesses, and the SASSA CEO to take action against 11 employees and the two businesses, and to consider conducting lifestyle audits on supply chain management staff to combat illicit activities.

We believe our complaint had stalled under Public Protector Advocate Busisiwe Mkhwebane, since suspended. We were delighted to see it revived and finalised, and the prospect of consequence management and accountability. We hope to see criminal charges, the blacklisting of the businesses involved from further government contracts, and the recovery of misspent funds.

OUTA's complaint outlined how whistleblowers had provided information on two questionable contracts awarded unprocedurally by SASSA. The contractors were Azande Consulting CC, an events management business, and Vee-el Promotions. The contracts were for three years, one for an unknown amount and the other for R393 million, and at least R221 million was spent on the first year of the contracts. Both contracts were for outreach programmes.

OUTA believes that Advocate Mkhwebane has done a lot of damage to the Office of the Public Protector. Over the years OUTA has repeatedly called on Parliament to investigate her fitness for office. If this complaint had been acted on sooner, it may have been possible to save taxpayers' money. More information on this project is [here](#).

“Our democracy has become fragile. In many instances, people live ‘outside’ the Constitution. Their rights have been commodified. Our proud non-racial and anti-racist traditions are being replaced by the emergence of right-wing, conservative and populist movements and sentiments. Our progressive and universal perspectives are losing their potency and appeal in people’s imagination. Some of the rich and powerful in society are abusing our democracy and judicial system by contesting every court judgement that is not in their favour to avoid the inevitable hour of public accountability.”

Defend Our Democracy
campaign, in *Conference for
Democratic Renewal and
Change Discussion Document*,
April 2022

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 SOCIAL INNOVATION PROJECTS 2022/23:

Executive Manager –
Social Innovation:
Julius Kleynhans

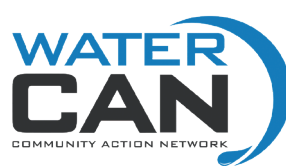


OUTA's social innovation team explores ways to empower communities and individuals to drive improvements in service delivery and governance. The team develops networks, platforms and tools to help communities and individuals collaborate to hold government to account for poor service delivery.

The **Community Action Network (CAN)** is a platform to assist organised communities such as residents' associations to manage their membership communications, and 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 practices when holding municipal councils to account.

The **Water Community Action Network (WaterCAN)** aims to enable individual and community participation in measuring and reporting 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.

The **Link app** is a free application that enables residents in a municipality to register infrastructure breakdown and maintenance issues on a platform which alerts their municipality directly. This app also provides a free back-end platform to municipalities to make use of the information provided to them by their residents through the app and to report updates on incident resolution to the residents and communities.



OUTA social innovation projects 2022/23



OUTA's Community Action Network (CAN): **Helping residents to network**

The Community Action Network (CAN) is a digital tool built to help community organisations manage themselves.

OUTA set out to develop and build the CAN online platform to seek out, grow, connect and unleash the vast potential that lies within community organisations across the country by providing them with a mechanism to actively engage,

investigate, advocate and even litigate on all matters concerning local government.

The objective is to provide our partner community organisations with a high-quality, web-based platform that allows them to become financially sustainable, to centralise and simplify their membership database administration and to provide them with the tools to communicate with their members and the community at large.

The CAN platform onboarded its first community organisation in December 2021 when WelgegundCAN, an organisation based in the North-West province, committed to join the platform as a beta partner.

Since March 2022 the CAN platform has onboarded an additional 12 organisations. They are all at various stages of development with a combined membership of 268 users.



OUTA social innovation projects 2022/23



WATERCAN MANAGER:
DR FERRIAL ADAM

WaterCAN: Building a national network of water guardians

On World Water Day on 22 March 2022, OUTA launched the Water Community Action Network (WaterCAN), aimed at building a network of water warriors and citizen scientists to put pressure on authorities to improve the management of water resources.

South Africa is a water-scarce country, and our water resources are highly compromised. The country has an average rainfall that is about 50% less than the global average. The little water that we have faces a barrage of challenges, such as climate change, prolonged droughts, pollution, waste and poor infrastructure and management. In June 2022, WaterCAN conducted an online water survey to establish the level of trust people have in their drinking water, in which only 37% of respondents said they routinely trust the quality of their drinking water.

WaterCAN intends to empower people to test and monitor their water resources and to hold

government accountable for the state of the quality and quantity of those water resources.

In the first year of the programme, WaterCAN has made significant strides. The key focus areas include training, building a movement, increasing water testing, creating an online tool called Map My Water, water accountability projects and water policy.

TRAINING

Education and awareness are the starting point of building a movement and a network. There are two streams of training. The first part includes information on water politics, climate change and the state of South Africa's water resources, setting the foundation for building basic knowledge about water challenges. The second part focuses on the water testing and the WaterCAN testing kit, explaining the different parameters and how to interpret the results.

OUTA social innovation projects 2022/23

As part of this, we produced a water testing video tutorial.

During 2022, we conducted numerous bespoke workshops for schools, water NGOs, community-based organisations and groups and individuals concerned about water. We conducted training with groups such as the South African Water Caucus, the water crisis committees in Gqeberha and Makhanda, and activists at the groundWork activist school. Training with Girl Talk brought together about 40 female students across KwaZulu-Natal. We received funding from the Rosa Luxembourg Foundation to run a training project in the Underberg, KZN, in partnership with the Women's Leadership and Training Programme, which started in February 2023 and runs until December 2023. Our team has run

webinars on water issues, and the WaterCAN manager was invited to speak at the University of the Witwatersrand and Pretoria University.

BUILDING A MOVEMENT

We have started creating links and connections between groups and organisations across race, class and gender. We have connected to more than 100 groups and organisations, including these: Rethink the Stink (Cape Town), Joostenbergvlakte Community Forum (Cape Town), Gariep Watch (Northern Cape), the Vaal Environmental Justice Alliance (Gauteng), the South African Water Caucus, the Johannesburg water crisis committee and the Garden Route Dam Action Group.



OUTA social innovation projects 2022/23

WATER TESTING AND CITIZEN SCIENCE ACTIVISM

Building citizen science through water quality testing is an important tool to build the movement. In addition, developing accessible data and information is key to building knowledge, skills and activism. During 2022, we worked with iLAB to produce a bespoke testing kit that we can use to assess chemical and bacterial parameters: phosphates, nitrates, nitrites, pH, alkalinity, hardness, chlorine, E.coli and total coliform bacteria.

In September 2022, we held a week of testing across the country. WaterCAN distributed over 100 iLAB kits to citizen scientists who used them to test water from taps, streams and rivers. WaterCAN's report on these tests noted that, in general, tap water was safe to drink but rivers and streams are quite polluted.

MAP MY WATER

In February 2023, WaterCAN launched the Map My Water online tool (see [here](#)). Water champions, activists and citizen scientists can upload water test results to the map, creating a database of publicly accessible information on South African water quality. We hope to develop a detailed map showing water quality across the country which can be used by anyone. We believe that providing citizens and stakeholders with a credible, updated platform and information portal on the quality of water (drinking water and river systems) will help drive good governance and improved management of South Africa's water resources by the authorities.

ACCOUNTABILITY AND POLICY

WaterCAN strives to drive corrective action through accountability and advocacy. We have developed a programme of 12 steps of water activism to guide people on how to take up concerns arising from water test results, including encouraging them to inform the municipalities and the media to build awareness and warn residents about the quality of the water.

We keep track of reports released by government. In April 2022, the Blue Drop (quality of drinking water) and Green Drop (quality of wastewater treatment) reports were released for the first time in nine years. Both reports are red flags for the dire state of our drinking water and wastewater treatment. The Blue Drop assessment shows that 52% of water supply systems range from medium to critical risk. In addition, 60% of supply systems do not comply with microbiological standards, and 77% of supply systems do not comply with chemical standards, as outlined in SANS 241:2015. WaterCAN issued statements on both the Blue and Green drop reports and helped community-based organisations to understand the findings at a local level.

WaterCAN also took on policy issues. In November 2022, WaterCAN submitted comment on the revision of the National Pricing Strategy for Raw Water Use Charges during the Department of Water and Sanitation public comment process. The strategy provides the framework for the pricing of raw (untreated) water from a water

OUTA social innovation projects 2022/23



resource or supplied by government waterworks and the discharge of water into a water resource or onto land. OUTA's submission raised concerns regarding budgetary allocations and duplication of functions.

WaterCAN is following the Department of Water and Sanitation's case against Sasol over pollution in Secunda. Besides attending the first court case and protesting outside the court, we took soil and water samples which showed the presence of vanadium, one of the elements that Sasol has been accused of releasing illegally into the streams.

WaterCAN was alerted to sewage spills from two City of Johannesburg wastewater treatment works (WWTWs) in south Johannesburg. We submitted a request for information in terms of

the Promotion of Access to Information Act (PAIA) to the Department of Water and Sanitation, asking for the directive the department issued to the City about the sewage spills at the Bushkoppies and Goudkoppies WWTWs and the reports on visits to the sites. After being alerted to spills in the Klein Jukskei River close to the City's Zandspruit sewage pump station, we submitted a PAIA request to the City and its water entity Johannesburg Water asking for testing data in the Klein Jukskei. We received the documents in both requests and are taking these matters further in 2023.

THE WAY AHEAD

OUTA has the potential to bring together a diverse group of people and organisations under one umbrella and strengthen citizen voices on water quality and quantity in the country. All water users are affected by the failing water supplies and decreasing quality of safe drinking water. This problem needs an integrated approach that draws on solutions and expertise from a range of forces, including citizen scientists, community-based organisations, government, academics, and the private sector. Mobilising around these water problems has the potential to bring people together and connect communities across class, racial and gender divides.

More information about WaterCAN is [here](#).

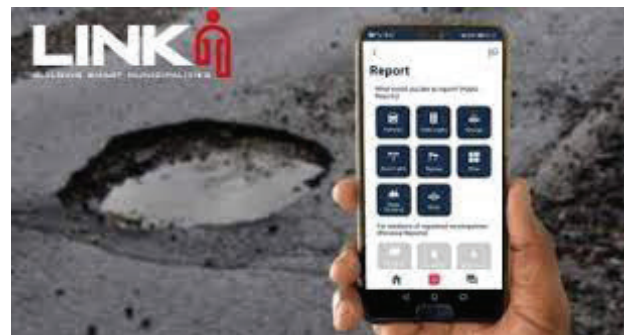
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OUTA's Link app: **Helping municipalities and residents to connect**

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

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

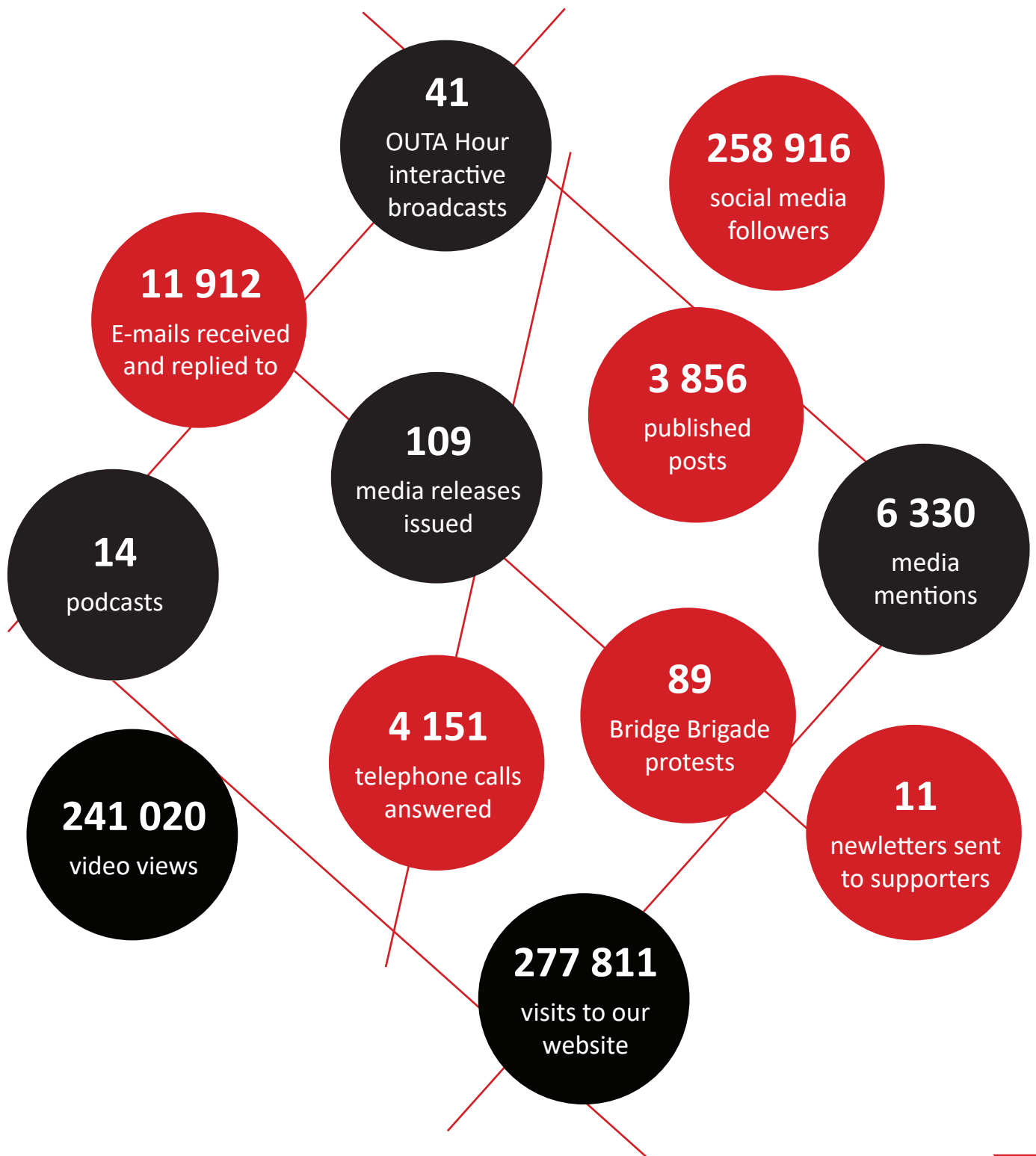


residents with municipal incident management teams, enabling accurate and efficient reporting of problems that require municipal attention.

By February 2023, Link was being used by the City of Cape Town, the Swellendam Local Municipality, the Kouga Local Municipality and the Laingsburg Local Municipality.

More information on the Link app is [here](#).

OUTA Stakeholder engagement 2022/23



HOW OUTA IS FUNDED

OUTA'S FUNDING JOURNEY FROM MARCH 2012 TO FEBRUARY 2023

Over the 11 years since OUTA's inception in March 2012, OUTA has generated donor support of almost R291 million. The table below shows that 69% of our support comes from individuals, while close to 29% is from business (largely from the SMME sector), with 2% from donor foundations.

OUTA INCOME BREAKDOWN FOR THE PERIOD 2012/13 - 2022/23			
	Total income 11 years	Average / annum	% of total
Total donation income	R290 994 564	R26 454 051	100%
Individuals	R201 004 757	R18 273 160	69%
Business	R83 645 187	R7 604 108	29%
Other and donor foundations	R6 344 620	R576 784	2%

OUTA's revenue-generating strategies need to be seen in the light of the two distinct eras of the decade of operation. The first part was the four years from March 2012 to February 2016, when OUTA was funded largely by fleet industry organisations who set out to review the government's e-toll decision in the high court from 2012 to 2013.

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 and its members (mainly the car rental industry) were the major funders of the early litigation cases during 2012 and 2013. Unfortunately, their support ended in 2013, due to government pressure brought against their support of the anti-e-toll challenge.

The second period is the seven years from March 2016 to February 2023, which covers the period that OUTA amended its name and memorandum of incorporation. Known as the Organisation Undoing Tax Abuse since 2016, OUTA set out to do more than tackle the e-toll issue and, with its broader mandate, it set out to tackle corruption and maladministration within the public sector. During this period OUTA introduced a continuous crowd-funding model, focussed on driving support from individuals and smaller businesses.

From 2016 to 2018, OUTA's revenue grew significantly. This is the period when OUTA launched a broad-based defensive challenge for motorists who were summonsed by Sanral for unpaid e-toll bills, and took on many projects relating to opposing corruption, maladministration and irrational government policies. **Over the last seven years, OUTA opened 258 projects and employed an average of 43 people per annum.**

OUTA FINANCIAL INFORMATION

March 2022 - February 2023

0.8%

decline in total
donation income

The 2022/23 financial year was a tough one on the financial front for the country, with GDP growth slowing to around 1.6% and unemployment remaining high at around 35%.

The tougher economic conditions gave rise to a slight drop off in OUTA's supporter base of an average of 4% on the prior year, which saw OUTA's total donation income of R38.4 million decline by 0.8% on the prior year.

8.9%

increase in cost
of staff

As with most NGOs, the cost of employees remains our biggest expense, which came in at R29.7 million, 8.9% up on the prior year, due largely to an increase in our headcount from 43 in the prior year, to 45 in 2023, with some added CPI-related increases. Staff turnover was 9%.

+28%

increase in
deposit yields

Expenses related to litigation increased to R2.4 million (double the prior year). However, direct expenses came in at R7.6 million, some R2.3 million lower than the prior year due to reduced expenses on new initiative expenses.

OUTA's provisions are invested in fixed-term deposits and these generated in a yield of R1.2million in 2023, which was 28% up on 2022 financial year due to higher interest rates, despite a reduction of 9% of cash on hand by year end.

R127 000

surplus for
the year

During the year, other operational and administrative costs in total (which included employee expenses) came in at R32.3 million, an increase of 8.7% on the prior year.

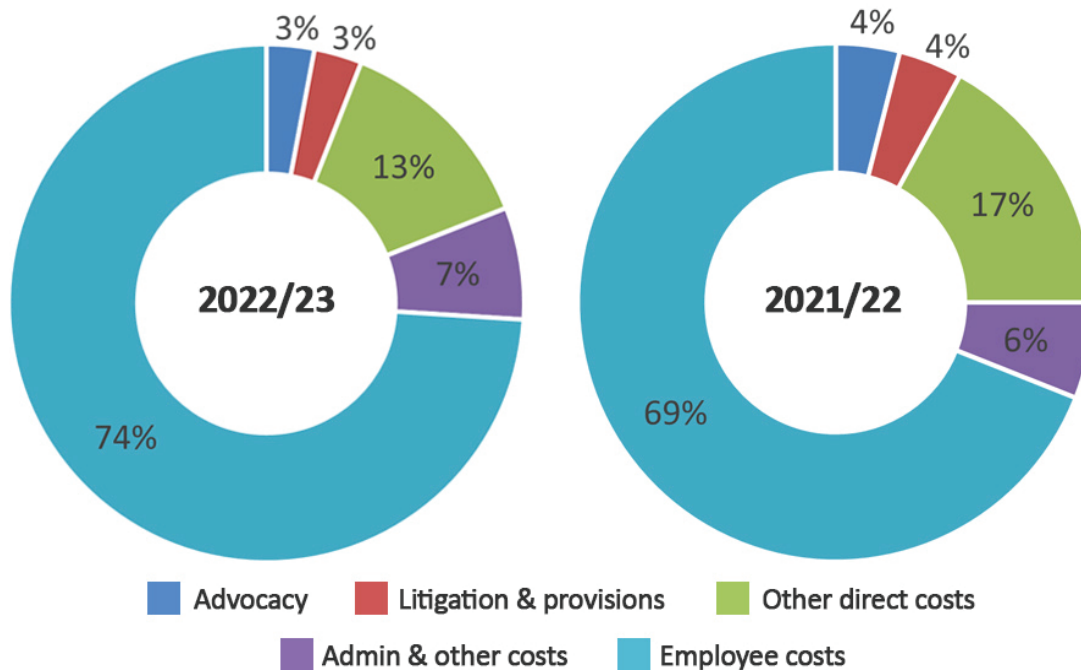
The surplus for the year was R127 000, slightly down on the prior year of R206 000.

FINANCIAL YEAR

2022/23

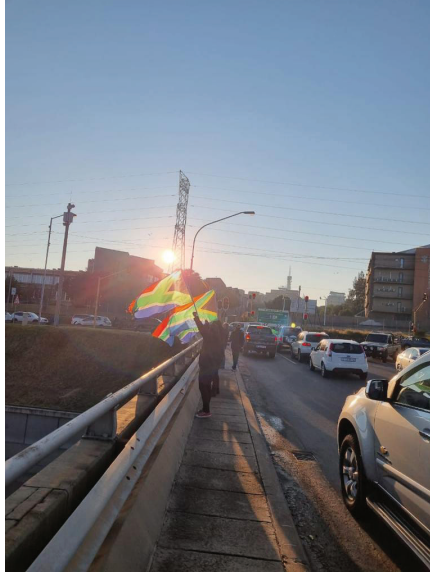
2021/22

R 38.4m	DONOR INCOME	R 38.7m
R 7.6m	DIRECT COSTS (Including provisions for litigation)	R 9.9m
R 29.7m	EMPLOYEE COSTS	R 27.2m
R 2.6m	OTHER OPS COSTS	R 2.5m
R 1.4m	OTHER INCOME (Including legal costs recovered)	R 1.2m



45	HEADCOUNT (Average throughout the year)	43
27	NUMBER OF NEW PROJECTS (Projects opened during the year)	22
25	NUMBER OF CLOSED PROJECTS (Projects closed during the year)	25
41	NUMBER OF OPEN PROJECTS (At the close of the year)	39

- 8.9% increase in employee costs
- 23% reduction in direct costs
- Donor income relatively static year-on-year



“Our country has reached an inflection point. We have reached a pivotal moment. We must seize this historic moment and turn the tide to envisage a much better future. We can either slide to a failed state or rise to the occasion by regenerating, renewing and changing the way our country is led and governed. We must re-establish the link between the people and politics. Solidarity, human dignity and care for one another should be the overriding basis on which our new politics and values are conceived. Ours should be to look for signs of hope and act accordingly. We must find new ways of safeguarding and strengthening our democracy.”

Defend Our Democracy campaign, in *Conference for Democratic Renewal and Change Discussion Document*, April 2022



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Organisation
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