



CASE NO:

19/36248

In the matter between:

**ORGANISATION UNDOING TAX ABUSE NPC**

**Applicant**

And

**SERVICES SECTOR EDUCATION  
AND TRAINING AUTHORITY**



**First Respondent**

**GRAYSON REED CONSULTING (PTY) LTD**

**Second Respondent**

---

**NOTICE OF MOTION**

---

**KINDLY TAKE NOTICE THAT** the Applicant intends to apply to the above Honourable Court on 18/11/2019 at 10h00 or so soon thereafter as counsel may be heard for an order in the following terms:

1. The decision of the deputy information officer of the first respondent dated 22 March 2019, in which he refused access to items 5 to 18 of the applicant's request for access to information dated 22 January 2019, is hereby set aside.
2. The first respondent is directed to furnish the applicant with a copy of all the records set out in its request for access to information dated 22 January 2019 within 15 days of the date of this court order.
3. Directing the First Respondent to pay the costs of this application.

4. Further and/or alternative relief.

**TAKE NOTICE FURTHER** that the accompanying affidavit of STEFANIE FICK and the documents annexed thereto will be used in support of this application.

**TAKE NOTICE FURTHER** that the applicant has appointed the address of its attorneys ALET UYS ATTORNEYS at the address set out below, at which it will accept notice and service of all process in these proceedings.

**TAKE NOTICE FURTHER** that should you intend to oppose this application, you are required to –

- (a) notify the applicant's attorney in writing of your intention to do so within 15 days of service of this application; and
- (b) appoint in such notification an address within 15 kilometres of the Registrar of the above honourable court at which you will accept service of all process in these proceedings; and
- (c) deliver your answering affidavits, if any, to applicant's attorneys within fifteen days after you have so given notice of your intention to oppose the application.

If no such notice of intention to oppose be given, the application will be made on the 18/11/2019 at 10h00 or so soon thereafter as counsel may be heard.

**PLEASE PLACE THE MATTER ON THE ROLL ACCORDINGLY**

DATED at JOHANNESBURG on this 16th day of OCTOBER 2019.

**ALET UYS ATTORNEYS**  
ATTORNEYS FOR APPLICANT  
397 CENTRAL PARK AVENUE  
STRUBENKOP COMPLEX  
LYNNWOOD  
PRETORIA  
TEL: 060 729 9933

EMAIL: brendan@aletuysattorneys.co.za  
REF: OL0009

**C/O PANDOR ATTORNEYS**  
15 PETER PLACE  
BRYANSTON  
SANDTON

**TO: THE REGISTRAR OF THE ABOVE  
HONOURABLE COURT  
JOHANNESBURG**

**AND TO: SERVICES SECTOR EDUCATION AND TRAINING  
AUTHORITY  
THE FIRST RESPONDENT  
15 SHERBORNE ROAD  
PARKTOWN  
JOHANNESBURG**

*Lucknithah Mashamba*  
*Legal department, Administrator*  
*16/10/2019* *11:52*

**AND TO: GRAYSON REED CONSULTING (PTY) LTD  
THE SECOND RESPONDENT  
EAST WING, SECOND FLOOR  
BLOCK C, GRAYSTON SQUARE  
93 GRAYSTON DRIVE  
SANDTON**

*Vusumuzi Ndlovu*  
*18/10/19*  
*11:10 AM*

IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG LOCAL DIVISION, JOHANNESBURG)

CASE NO: 19/36248

In the matter between:

**ORGANISATION UNDOING TAX ABUSE NPC**

**Applicant**

And

**SERVICES SECTOR EDUCATION  
AND TRAINING AUTHORITY**

**First Respondent**

**GRAYSON REED CONSULTING (PTY) LTD**

**Second Respondent**

---

**FOUNDING AFFIDAVIT**

---

I,

**STEFANIE FICK**

Hereby make the following statements under oath:

- 1 I am the Chief Legal Officer of the applicant and am duly authorised to bring this application on behalf of the applicant.
- 2 The facts contained herein are, unless the contrary appears from the context, within my personal knowledge and are true and correct.
- 3 On 23 January 2019 the applicant, acting in accordance with the provisions of the Promotion of Access to Information Act 2 of 2000 ("**PAIA**"), requested from the first respondent ("**SETA**") a set of records pertaining to a Tender that the first



respondent awarded to the second respondent, Grayson Reed Consulting (Pty) Ltd ("**Grayson**"). A copy of that request is annexed hereto marked "**FA1**" and a copy of the records requested is annexed hereto marked "**FA2**".

- 4 The first respondent has refused the request, and the applicant's internal appeal in accordance with section 74 of PAIA was unsuccessful. The applicant accordingly has no option but to turn to this Court for relief in accordance with section 82 of PAIA.
- 5 The applicant is The Organisation Undoing Tax Abuse, a non-profit company, duly incorporated in terms of the law of the Republic of South Africa, with its registered address at 318 Oak Avenue, O'Keeffe & Swartz Building, Randburg, Gauteng. The applicant is a non-profit organisation that aims to hold government accountable and to ensure the responsible use of tax revenue throughout all levels of government.
- 6 The first respondent is the Services Sector Education and Training Authority, a public body duly established in terms of section 9 of the Skills Development Act 97 of 1998. The head offices of the first respondent are situated at 15 Sherbourne Road, Parktown, 2193.
- 7 The second respondent is Grayson Reed (Pty) Ltd, a private company duly incorporated in accordance with the company laws of South Africa, whose registered is situated at 93 Grayston Drive, Sandton, 2196.

## BACKGROUND

- 8 The applicant is a civil action organisation (civil society) that through its various methodologies aims to hold government by challenging the abuse of authority, challenging irrational policy and legislation as well as engaging with the community and authorities in resolving issues pertaining to administration and service delivery within all spheres of government.
- 9 During 2018 the applicant was given information by several whistle blowers about Tender irregularities within the SETA that could amount to fraud, corruption or maladministration. In particular, there appear to be irregularities in the Tender that was awarded by the SETA under bid reference PROC T434 to the second respondent, Grayson, in November 2017 (the “**Tender**”). The Tender was for the provision of learner attendance monitoring systems and a disbursement of learner stipends and was for a total value of R162 million.
- 10 In order to verify this information and to determine whether the Tender was in any way irregular or unlawful on 23 January 2019 the applicant formally requested access to the records pertaining to this Tender, as set out in annexure “FA2”. As is clear from annexure “FA2”, the records sought by the applicant included among other things the following:
- 10.1 A copy of the needs analysis assessment conducted in respect of this Tender;
- 10.2 A copy of the Tender compliance checklist;

DS  
U

- 10.3 A copy of the documents submitted by Grayson Reed in response to the Tender;
- 10.4 A copy of the recommendation of the Bid Specification Committee to appoint Grayson as the service provider in the Tender;
- 10.5 A copy of the recommendation of the Bid Evaluation Committee to appoint Grayson as the service provider in the Tender;
- 10.6 A copy of the recommendation of the Bid Adjudication Committee to appoint Grayson as the service provider in the Tender;
- 10.7 A copy of the master service level agreement concluded between the Services SETA and Grayson;
- 10.8 Copies of the billing documentation for the period 1 November 2017 to 31 January 2019, including, among other things, the following:
  - 10.8.1 Order/requisition forms;
  - 10.8.2 Quotes;
  - 10.8.3 Invoices;
  - 10.8.4 Proof of payment;
  - 10.8.5 Proof of delivery notes;
- 10.9 A copy of the database or register of learners and entities that received a stipend in terms of the master service level agreement;



- 10.10 A copy of the schedule of payments made by Services SETA to Grayson;
  - 10.11 A copy of the biometric attendance reports generated by the biometric units supplied by Grayson; and
  - 10.12 The names and CIPC registration numbers of any companies that were subcontracted to provide services in respect of the Tender.
- 11 I pause to note that the records that were requested cannot be construed in any way as confidential or as commercially sensitive. This is because they pertain to a public tender issued by SETA, which it awarded to Grayson. The records do not in any way reveal the trade secrets or any other commercial interest of Grayson. I discuss this in more detail below.
- 12 On 1 February 2019 SETA extended the period within which it could respond to the request for information by 30 days, in accordance with section 26 of PAIA. A copy of the letter indicating this is annexed hereto marked "**FA3**".
- 13 One of the reasons for the extension being made is that SETA had to notify a third party – Grayson – of the request, in terms of section 47 of PAIA. The applicant did not object to this. A copy of my correspondence to SETA indicating this is annexed hereto marked "**FA4**".
- 14 On 22 March 2019 SETA made the following decisions, as per annexure "**FA5**" attached hereto, in respect of the applicant's request in terms of PAIA. First, it granted access to items 1 to 4 on annexure "FA2", which are the following records:



- 14.1 The SETA's latest supply chain management policy;
  - 14.2 A copy of the needs analysis assessment that it conducted in respect of the Tender;
  - 14.3 A copy of the Tender advertisement that was published on 21 August 2017; and
  - 14.4 A copy of the Tender Compliance Checklist in respect of the above tender.
- 15 SETA refused the request for access to all the other records sought by the applicant:
- 15.1 It refused access to the copy of the recommendation of the Bid Specification Committee (item 8 on annexure "FA2") on the basis that this record did not exist because there was no Bid Specification Committee.
  - 15.2 It refused access to all other records sought on the basis of the objection that Grayson made to SETA against the granting of access to the information sought. SETA indicated in its letter that Grayson's complaint was that:
    - 15.2.1 The requested information contained its trade secrets;
    - 15.2.2 The information contains its confidential financial, commercial and technical information;



- 15.2.3 The disclosure of the information will cause serious harm to its commercial interests and to the company as a whole;
  - 15.2.4 The disclosure would disadvantage it contractually and prejudice it in commercial competition;
  - 15.2.5 The disclosure will compromise its ongoing execution of its obligations in terms of the contract awarded to it; and
  - 15.2.6 The disclosure "may harm our relationship with our consortium [sic], finance and technology partners".
- 16 The applicant was not satisfied with this outcome and accordingly lodged an appeal in accordance with section 74 and 75 of PAIA. A copy of its internal appeal is annexed hereto marked "**FA6**".
- 17 The basis of this appeal was that the objection made by Grayson was illogical. Each and every document that was requested by the applicant formed part of the public tender process. The release of these documents could not result in the consequences that were described in the letter refusing access.
- 18 Furthermore, section 46 of PAIA provides that access to information must be granted if the disclosure of the record would reveal evidence of a substantial contravention of, or a failure to comply with, the law, and the public interest in the disclosure of the record outweighs the harm contemplated in the ground for refusal.



- 19 This matter fell under the provisions of section 46. This is because the documents in question would show whether SETA complied with the provisions of section 217 of the Constitution in awarding the tender to Grayson.
- 20 In response to the internal appeal lodged by the applicant, SETA sent a letter on 29 May 2019, a copy of which is annexed hereto marked "FA7". In this letter it indicated that a decision would be made by the relevant authority on or before 28 June 2019 after a special sitting to consider the appeal.
- 21 Notwithstanding the above letter, the applicant has not been notified of any decision in respect of its internal appeal. It is presumed that the appeal was refused.
- 22 Furthermore, the applicant addressed another letter to SETA, attached hereto and marked "FA8", effectively granting SETA until 9 October 2019 to adhere to the applicant's request as per "FA1" and "FA2". Notwithstanding such indulgence granted by the applicant, SETA failed to respond.

#### **ACCESS TO THE RECORDS SHOULD BE GRANTED**

- 23 Section 32(1) of the Constitution confers on everyone the right of access to any information that is held by the State.
- 24 Section 195 of the Constitution sets out the values and principles that govern public administration, including SETA. This includes, among others, the following:
- 24.1 Public administration must be accountable; and



- 24.2 Transparency must be fostered by providing the public with timely, accessible, and accurate information.
- 25 The applicant accordingly has a right to access the information held by SETA and SETA has an obligation to foster accountability and transparency.
- 26 PAIA gives effect to section 32 of the Constitution. The objects of the Act are set out in section 9 of PAIA. These include, among others, the following:
- 26.1 To give effect to the constitutional right of access to any information held by the state, subject to justifiable limitations, including limitations aimed at “the reasonable protection of privacy, commercial confidentiality and effective, efficient and good governance”; and
- 26.2 to promote transparency, accountability and effective governance of all public and private bodies.
- 27 Section 11 of PAIA provides that the applicant must be given access to a record held by a public body (such as SETA) if the request complies with all procedural requirements in terms of that Act and access is not refused in terms of any ground of refusal set out under that Act.
- 28 In terms of section 11(3) of PAIA the applicant’s right of access is not affected by any reasons given by the applicant for requesting access, or the information officer’s belief as to what the applicant’s reasons are for requesting access.
- 29 In this matter SETA refused access to the information on the basis of section 36(1) of PAIA. That section provides in relevant part as follows:

15  
el



“Subject to subsection (2), the information officer of a public body must refuse a request for access to a record of the body if the record contains—

- (a) Trade secrets of a third party;
- (b) Financial, commercial, scientific or technical information, other than trade secrets, of a third party, the disclosure of which would be likely to cause harm to the commercial or financial interests of that third party; or
- (c) Information supplied in confidence by a third party the disclosure of which could reasonably be expected—
  - (i) To put that third party at a disadvantage in contractual or other negotiations; or
  - (ii) To prejudice that third party in commercial competition.”

30 The applicant requested records pertaining to SETA's issue of the tender and its award to Grayson. The agreement that was entered into between these parties was of a public character and falls under the constitutional imperative of transparency and accountability.

31 The information requested could not possibly contain the trade secrets of Grayson. I also deny that the release of the information could otherwise cause harm to the commercial or financial interests of Grayson, nor could it put Grayson in a contractual disadvantage or prejudice it in commercial competition. The information requested pertains strictly to the tender that was granted to Grayson, resulting in a public contract between it and a public body. There are no security or public concerns that arise from this agreement, and I challenge the respondents to demonstrate why these documents fall within the scope of section 36 of PAIA.

D  
M

- 32 This is particularly so in light of the fact that the information that was requested pertains to a tender that was awarded in 2017, and which is set to elapse in March 2020. Whatever information is contained in these documents that is confidential or commercially sensitive would now be outdated.
- 33 Some of the records requested by the applicant do not contain information pertaining to Grayson at all. Items 8 to 18 of annexure "FA2" refer to information pertaining to SETA and not to Grayson. There was accordingly no basis to refuse access to those records under section 36 of PAIA.
- 34 It should further be noted that Item 6 of annexure "FA2", the CIPC certificate submitted by Grayson in respect of the Tender, is a document that is already publicly available. There was no basis to refuse this request at all.
- 35 Even if any of the information fell within the restriction set out in section 36 of PAIA I respectfully submit that the request for access should still have been granted in accordance with section 46 of PAIA. The information requested would show whether SETA acted in contravention of section 217 of the Constitution and the law. The public interest in the spending of public funds outweighs the commercial interests of Grayson.
- 36 Seen in the above light, there was no basis for SETA to refuse access to the records sought. It should have accordingly been granted.
- 37 The applicant accordingly prays for an order setting aside the decision of SETA's deputy information officer and an order granting the applicant access to all the records sought under annexure "FA2".



  
\_\_\_\_\_  
**DEPONENT**

The Deponent has acknowledged that he/she knows and understands the contents of this affidavit which was signed and sworn to before me at on this the 15 day of October 2019 the regulations contained in Government Notice No. 1258 of 21 July 1972, as amended and Government Notice No. R 1648 of 17 August 1977, as amended having been complied with.

  
\_\_\_\_\_  
**COMMISSIONER OF OATHS**

**BARBARA SEIMENIS**  
*Ex Officio Commissioner of Oaths*  
*Practising Attorney R.S.A.*  
Suite 25, 3rd Floor  
Katherine & West Street Building  
Corner Katherine & West Streets  
Sandown, Sandton

D

"FAI"

**From:** David Harty <david.harty@outa.co.za>  
**Sent:** Wednesday, 23 January 2019 9:58 AM  
**To:** 'Buzoa@serviceseta.org.za'  
**Cc:** 'Stefanie Fick'; 'rashaad.pandor@outa.co.za'  
**Subject:** OUTA - Request for Access to Information (Grayson Reed Consulting)  
**Attachments:** Grayson Reed - PAIA COVER LETTER 23\_1\_2019.pdf; Grayson Reed - J750 \_paia\_Form A 23\_1\_2019.pdf; Grayson Reed PAIA - ANNEXURE A 23\_1\_2019.pdf

**Tracking:**

**Recipient**

**Read**

'Buzoa@serviceseta.org.za'

'Stefanie Fick'

'rashaad.pandor@outa.co.za'

rashaad.pandor@outa.co.za

Read: 2019/01/23 2:20 PM

Dear Sirs,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A**  
**OUR REF: EDU/SET01/001**

1. We refer to the above.
2. Please find attached a request for access to information and Form A in terms of the section 18(1) of PAIA.
3. Please note we shall be sending a second request for access to information shortly.
2. Please contact our legal advisor, Mr David Harty at [david.harty@outa.co.za](mailto:david.harty@outa.co.za) in the event of any queries.
3. Kindly acknowledge receipt of this request.
4. We trust you find the above in order and look forward to your response within 30 days of receipt of our request.

Regards,

**OUTA**  
ORGANISATION UNDOING TAX ABUSE



**David Harty**  
Legal Advisor

**Email:** [david.harty@outa.co.za](mailto:david.harty@outa.co.za)

**Tel:** 087 170 0639

**Web:** [www.outa.co.za](http://www.outa.co.za)

23 January 2019

To: Amanda Buzo  
Chief Executive Officer  
Per: Email ([Buzaa@serviceseta.org.za](mailto:Buzaa@serviceseta.org.za))

Dear Madame,

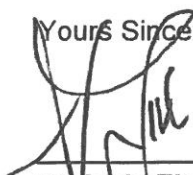
**REQUEST FOR ACCESS TO INFORMATION TO INFORMATION IN TERMS OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")**

**OUR REF: EDU/SET01/001**

**YOUR REF: N/A**

1. We refer to the above.
2. The Organisation Undoing Tax Abuse (OUTA) is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation. OUTA was established to challenge the abuse of authority, in particular the abuse of taxpayers' money.
3. Find attached hereto our request for access to information in terms of section 18(1) of the PAIA, Form A and annexure A attached thereto.
4. Kindly advise as to any cost occasioned by our request.
5. Please contact our legal advisor Mr. D Harty at [david.harty@outa.co.za](mailto:david.harty@outa.co.za) in the event of any queries.
6. Kindly acknowledge receipt and provide us with a formal response within 30 days of receipt hereof.

Yours Sincerely,



---

**Stefanie Fick**  
**Chief Legal Officer**  
**OUTA – Organisation Undoing Tax Abuse**  
**E-mail: [stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za)**

ORGANISATION UNDOING TAX ABUSE NPC

Reg No.: 2012/064213/08

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

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

ADDRESS: O'KEEFFE & Swartz Building, 318 Oak Avenue, Randburg, Gauteng

CONTACTS: 087 170 0639 • [info@outa.co.za](mailto:info@outa.co.za) • [www.outa.co.za](http://www.outa.co.za)





REPUBLIC OF SOUTH AFRICA

**FORM A**  
**REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**  
(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))  
[Regulation 6]

**FOR DEPARTMENTAL USE**

Reference number: .....

Request received by ..... (state rank,  
name and surname of information officer/deputy information officer) on ..... (date)  
at ..... (place).

Request fee (if any): R .....

Deposit (if any): R .....

Access fee: R .....

.....  
SIGNATURE OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER

**A. Particulars of public body**

The Information Officer/Deputy Information Officer

Amanda Buzo

Chief Executive Officer

The Services Sector Education and Trading Authority

Email: Buzoa@serviceseta.org.za

*DU*

**B. Particulars of person requesting access to the record**

(a) The particulars of the person who requests access to the record must be given below.  
 (b) The address and/or fax number in the Republic to which the information is to be sent, must be given.  
 (c) Proof of the capacity in which the request is made, if applicable, must be attached.

Full names and surname: Stefanie Fick .....

Identity number: 

7	4	0	1	1	9	0	0	1	4	0	8	7
---	---	---	---	---	---	---	---	---	---	---	---	---

Postal address: PO BOX 2627, NORTHRIDING, 2162 .....

Telephone number: (.071) 869 1959 ..... Fax number: (.....) .....

E-mail address: stefanie.fick@outa.coza .....

Capacity in which request is made, when made on behalf of another person:

Chief Legal Officer for the Organisation Undoing Tax Abuse ("OUTA")

**C. Particulars of person on whose behalf request is made**

This section must be completed ONLY if a request for information is made on behalf of another person.

Full names and surname: .....

Identity number: 

--	--	--	--	--	--	--	--	--	--	--	--	--

**D. Particulars of record**

(a) Provide full particulars of the record to which access is requested, including the reference number if that is known to you, to enable the record to be located.  
 (b) If the provided space is inadequate, please continue on a separate folio and attach it to this form. The requester must sign all the additional folios.

1. Description of record or relevant part of the record:

See "Annexure "A" .....

.....

2. Reference number, if available: .....

3. Any further particulars of record:  
 .....  
 .....  
 .....  
 .....

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will be processed only after a request fee has been paid.
- (b) You will be notified of the amount required to be paid as the request fee.
- (c) The **fee payable for access** to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you qualify for exemption of the payment of any fee, please state the reason for exemption.

Reason for exemption from payment of fees:  
 .....  
 .....  
 .....

**F. Form of access to record**

If you are prevented by a disability to read, view or listen to the record in the form of access provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:	Form in which record is required:
Mark the appropriate box with an <b>X</b> .	
NOTES:	
(a) Compliance with your request for access in the specified form may depend on the form in which the record is available.	
(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.	
(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.	

1. If the record is in written or printed form:					
<input checked="" type="checkbox"/>	copy of record*		inspection of record		
2. If record consists of visual images - (this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):					
	view the images	<input checked="" type="checkbox"/>	copy of the images*		transcription of the images*



**FORM A: REQUEST FOR ACCESS TO RECORD OF PUBLIC BODY**

3. If record consists of recorded words or information which can be reproduced in sound:					
X	listen to the soundtrack (audio cassette)		transcription of soundtrack* (written or printed document)		
4. If record is held on computer or in an electronic or machine-readable form:					
X	printed copy of record*		printed copy of information derived from the record*		copy in computer readable form* (stiffy or compact disc)

*If you requested a copy or transcription of a record (above), do you wish the copy or transcription to be posted to you? Postage is payable.	YES	NO	X
Note that if the record is not available in the language you prefer, access may be granted in the language in which the record is available.			
In which language would you prefer the record? English			

**G. Notice of decision regarding request for access**

You will be notified in writing whether your request has been approved / denied. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

How would you prefer to be informed of the decision regarding your request for access to the record?

Email .....

Signed at RANDBURG ..... this day 23rd of January ..... year 2019



.....  
SIGNATURE OF REQUESTER /  
PERSON ON WHOSE BEHALF REQUEST IS MADE

*D M*

"FAZ"

**"ANNEXURE A"**

**LIST OF REQUESTED RECORDS:**

**SERVICES SECTOR EDUCATION AND TRAINING AUTHORITY ("SSETA"):**

**Grayson Reed Consulting (Pty) Ltd ("Grayson Reed") – Bid Reference: PROC T434 ("the tender")**

1. Copy of SSETA's latest Supply Chain Management Policy.
2. A copy of the Needs Analysis Assessment conducted by SSETA in respect of the above-mentioned tender.
3. Copy of the Tender Advertisement in respect of the above-mentioned tender that was published on or about 21 August 2017.
4. Copy of the Tender Compliance Checklist in respect of the above-mentioned tender.
5. Copy of the documents submitted by Grayson Reed in response to SSETA's Request for Bids in respect of the above-mentioned tender, the contents of which include, but are not limited to the:
  - a. Invitation to Bid;
  - b. Tax Clearance Requirements;
  - c. Pricing Schedule;
  - d. Declaration of Interests;
  - e. Preference Points;
  - f. Contract Form;
  - g. Declaration of Bidder's Past SCM Practices;
  - h. Certificate of Independent Bid Determination;
  - i. Authority for Signatory;
  - j. Terms of Reference/Specifications;

D M

- k. General Conditions of Contract;
  - l. Supplier Declaration Form;
  - m. Bid Document Checklist.
6. Grayson Reed's Companies and Intellectual Property Commission's ("CIPC") Certificate submitted by them in respect of the above-mentioned tender.
7. Copies of the following documents, submitted by Grayson Reed, including the:
- a. Original cancelled cheque or letter from the bank verifying bank details;
  - b. Certified copy of the identity document of shareholder/directors/members;
  - c. Certified copy of certificate of incorporation, CM29/CM9 (name changes);
  - d. Certified copy of the Certificate of Shareholder;
  - e. A letter with the company's letterhead confirming physical and postal address;
  - f. Original or certified copy of SARS Tax Clearance certificate and VAT registration certificate;
  - g. Proof of company registered with National Treasury Central Supplier Database ("CSD");
  - h. Proof company was compliant on CSD prior to the award of the tender;
  - i. Proof of B-BBEE status of contributor.
8. Copy of the Recommendation of the Bid Specification Committee to appoint Grayson Reed as the service provider in respect of the above-mentioned tender.
9. Copy of the Recommendation of the Bid Evaluation Committee to appoint Grayson Reed as the service provider in respect of the above-mentioned tender.
10. Copy of the Recommendation of the Bid Adjudication Committee to appoint Grayson Reed as the service provider in respect of the above-mentioned tender.

B  
M

11. Copy of the minutes of the Board meeting in which the Accounting Authority approved the appointment of Grayson Reed as the service provider in respect of the above-mentioned tender.
12. Copy of the Letter of Award sent to Grayson Reed in respect of the above-mentioned tender.
13. Copy of the Master Service Level Agreement between Grayson Reed and the SSETA signed on 13 December 2017.
14. Copies of the billing documentation for the period 1 November 2017 to 31 January 2019 in terms of the Master Service Level Agreement mentioned in paragraph 12, including the:
  - a. Order/Requisition forms;
  - b. Quotes;
  - c. Invoices;
  - d. Proof of payment/remittance;
  - e. Proof of delivery notes;
  - f. Deliverance reports;
  - g. Payment Advice Forms.
15. Copy of the Database or Register of learners and entities who received a stipend in terms of the Master Service Level Agreement mentioned in paragraph 12.
16. Copy of the schedule of payments made by SSETA to Grayson Reed during the period 1 November 2017 to 31 January 2019.
17. Copies of the Biometrics attendance reports generated by the biometric units supplied by Grayson Reed in terms of the Master Service Level Agreement mentioned in paragraph 12, during the period 1 November 2017 to 31 January 2019.

D  
M

18. The names and CIPC registration numbers, if any, of any companies which were subcontracted to provide services in respect of the above-mentioned tender.

D



1 February 2019

**BY EMAIL**

**ATTENTION: ADV. S FICK**

**ORGANISATION UNDOING TAX ABUSE NPC  
318 OAK AVENUE  
RANDBURG**

**EMAIL: [STEFANIE.FICK@OUTA.CO.ZA](mailto:STEFANIE.FICK@OUTA.CO.ZA)**

Dear Adv. Fick

**SUBJECT: STATUTORY NOTICE OF EXTENSION IN TERMS OF SECTION 26 OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000**

**RE: REQUEST FOR ACCESS TO INFORMATION in re GRAYSON REED  
CONSULTING (PTY) LTD – BID REF: PROC 7434**

1. Kindly take notice that the Information Officer of the Services Sector Education and Training Authority ("**Services SETA**") hereby notifies the Organisation Undoing Tax Abuse NPC ("**OUTA**") that she has extended the period of 30 days referred to in section 25(1) of the Promotion of Access to Information Act 2 of 2000 ("**PAI Act**") by an additional 30 days as contemplated by section 26 of the PAI Act.
2. The reasons for the extension are as follows:
  - 2.1. The request by OUTA is for a large number of documents and will definitely require a search through a large number of records, with the result that compliance with the request within 30 days from 23 January 2019 would unreasonably interfere with the operational activities of the Services SETA.
  - 2.2. Further, the Information Officer of the Services SETA is of the view that some of the information requested by OUTA relates to a Third Party that must be notified of the request in terms of section 47 of the PAI Act. The Third Party shall be afforded an opportunity to make representations as contemplated by section 48 of the PAI Act.



- 2.3. The Services SETA is currently undergoing an audit by the Auditor General of South African ("the AG") and its human resources have been diverted to dealing with same.
- 2.4. The request by OUTA makes reference to some documents and information that is stored offsite and the retrieval thereof cannot be reasonably completed within 30 days from 23 January 2019 unless the human resources of the Services SETA is diverted from the operational activities of the organisation, which would be unwarranted at a time when there is an ongoing audit.
3. Under the circumstances, the Information Officer of the Services SETA shall decide on the request and notify OUTA of its decision by no later than **Friday 22 March 2019**.
4. OUTA is advised of its right to lodge an internal appeal or an application to Court against the extension. The internal appeal may be lodged in line with the provisions of sections 74 and 75 of the PAI Act.
5. We trust you will find all to be in order.

Yours Sincerely

**MS AMANDA BUZO-GQOBOKA**  
**CHIEF EXECUTIVE OFFICER**

david.harty@outa.co.za

"FAL"

**From:** Stefanie Fick <stefanie.fick@outa.co.za>  
**Sent:** Monday, 04 February 2019 13:13  
**To:** 'Nompilo Sidondi'  
**Cc:** 'Amanda Buzo'; 'Zenia Bezuidenhout'; 'Pearl Mooi'; David  
**Subject:** RE: STATUTORY NOTICE OF EXTENSION ITO S26 OF THE PAIA - STAR SIGN AND PRINT + GRAYSON REED CONSULTING  
**Attachments:** Extension - Grayson Reed Consulting 1\_2\_2019.pdf; Extension - Star Sign and Print 1\_2\_2019.pdf  
**Importance:** High

Dear Nompilo,

**STATUTORY NOTICE OF EXTENSION IN TERMS OF SECTION 26 OF PAIA  
OUR REF: EDU/SET01/001**

1. We refer to the attached correspondence dated 1 February 2019.
2. OUTA takes note of your reasons for an extension listed under paragraph 2 of both letters.
3. We consider your aforementioned reasons justified in terms of section 26 of the Act and consequently we shall refrain from exercising our internal right of appeal in respect of both our requests.
4. We trust you find the above in order and look forward to receiving answers to our requests by 22 March 2019, as per paragraph 3 of the attached correspondence.

Kind regards,

**OUTA**  
ORGANISATION UNDOING TAX ABUSE



**Stefanie Fick**  
Chief Legal Officer  
**Email:** [stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za)  
**Tel:** 087 170 0639  
**Web:** [www.outa.co.za](http://www.outa.co.za)

---

**From:** Nompilo Sidondi <NompiloS@serviceseta.org.za>  
**Sent:** Friday, February 1, 2019 3:28 PM  
**To:** stefanie.fick@outa.co.za  
**Cc:** Amanda Buzo <buzoa@serviceseta.org.za>; Zenia Bezuidenhout <ZeniaB@serviceseta.org.za>; Pearl Mooi <pearlm@serviceseta.org.za>  
**Subject:** STATUTORY NOTICE OF EXTENSION ITO S26 OF THE PAIA - STAR SIGN AND PRINT + GRAYSON REED CONSULTING

Dear Adv. Fick,

D  
M



Please see the annexed letters for your consideration.

Kind regards



**Nompilo Sidondi**

**Legal Advisor**

E-mail: [nompilos@serviceseta.org.za](mailto:nompilos@serviceseta.org.za)

Tel: +27 11 276 9600

Tel: +27 11 276 9761 (Direct)

Website: [www.serviceseta.org.za](http://www.serviceseta.org.za)

Services SETA Disclaimer and Confidentiality Note: This email is confidential and is intended solely for the use of the intended recipient. If you are not the intended recipient, you should not disseminate, distribute or copy this e-mail. Any e-mail that is sent to a confidential e-mail address or to an e-mail address that is not your own may be legally privileged. Interception of this communication is therefore illegal. If you are not the intended recipient, please note that dissemination, copying or use of the message or any part thereof, is strictly prohibited. If you have received this e-mail in error, please notify the sender immediately and delete the message.



A handwritten signature or set of initials, possibly "MS", located in the bottom right corner of the page. The lines are dark and fluid, characteristic of a pen or marker.



22 March 2019

ATTENTION: ADV. S FICK

ORGANISATION UNDOING TAX ABUSE NPC  
318 OAK AVENUE  
RANDBURG

PER EMAIL: [STEFANIE.FICK@OUTA.CO.ZA](mailto:STEFANIE.FICK@OUTA.CO.ZA)

Dear Adv. Fick

RE: **DECISION ON REQUEST FOR ACCESS TO INFORMATION in re GRAYSON REED CONSULTING – BID REF: PROC 7434**

1. We refer to the request for access to information submitted by OUTA to the Services SETA on 22 January 2019. We confirm that the period within which to communicate the decision of the Information Officer was, by Notice dated 1 February 2019, extended to 22 March 2019.
2. This letter therefore serves to communicate the decision of the Information Officer on the request submitted. Prior to a decision being made on the request, a statutory notice to third party in terms of section 47 of the PAI Act was issued to Grayson Reed Consulting. A response was received from Grayson Reed Consulting on 12 March 2019 objecting to information pertaining to the said entity being provided on the basis that:
  - 2.1. the requested information contains their trade secrets;
  - 2.2. the information contains, amongst other things, their confidential financial, commercial and technical information;
  - 2.3. the disclosure thereof will cause serious harm to their commercial interest and their company as a whole;



- 2.4. the disclosure thereof will disadvantage them contractually and prejudice them in commercial competition;
  - 2.5. the disclosure thereof will compromise their ongoing execution of their obligations in terms of the contract and the project; and
  - 2.6. may harm our relationship with our consortium, finance and technology partners.
3. Taking into account the above objection, it is the decision of the Information Officer of the Services SETA that the request for information pertaining, specifically, to Grayson Reed Consulting be refused.
4. The Information Officer is, however, granting access to the information requested under paragraphs 1 to 4 of Annexure "A" to the request for access to information submitted. We mention that there was no Bid Specification Committee that recommended the appointment of Grayson Reed Consulting. Therefore, the information requested under paragraph 8 does not exist. The rest of the information requested pertains to Grayson Reed Consulting and there is a real likelihood that its disclosure may bring about the consequences stated under paragraphs 2.3 to 2.6 above.
5. We trust you will find all to be in order.

Yours Faithfully

**NOMPILO SIDONDI**

**EXECUTING MANAGER: LEGAL SERVICES (ACTING)**

**DEPUTY INFORMATION OFFICER**

"FA6"

**From:** David Harty <david.harty@outa.co.za>  
**Sent:** Tuesday, 09 April 2019 1:31 PM  
**To:** NompiloS@serviceseta.org.za  
**Cc:** Buzoa@serviceseta.org.za; 'Stefanie Fick'  
**Subject:** OUTA - Internal Appeal (Grayson Reed Consulting)  
**Attachments:** Grayson Reed - Appeal 8\_4\_2019 signed.pdf; Annexure A.pdf; Annexure B.pdf; Annexure C.pdf

Dear Sirs,

**INTERNAL APPEAL IN TERMS OF SECTION 74 & 75 OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA")**

**OUR REF: EDU/SET01/001**

**YOUR REF: N/A**

1. We refer to the above.
2. Please find attached our internal appeal, together with annexures, in respect of our request for access to information pertaining to the appointment of Grayson Reed Consulting (Pty) Ltd by the Services Sector and Education Training Authority.
3. Please note that a second internal appeal shall be sent to you shortly.
4. Please contact our Mr. David Harty at [david.harty@outa.co.za](mailto:david.harty@outa.co.za) in the event of any queries.
5. Kindly acknowledge receipt of this email.
6. We trust you find the above in order and shall await the decision of the relevant authority within 30 days of receipt of this appeal.

Regards,

**OUTA**  
ORGANISATION UNDOING TAX ABUSE



**David Harty**  
Legal Advisor

**Email:** [david.harty@outa.co.za](mailto:david.harty@outa.co.za)

**Tel:** 087 170 0639

**Web:** [www.outa.co.za](http://www.outa.co.za)

08 April 2019

To: Nompilo Sidondi  
The Deputy Information Officer:  
Services Sector Education & Training Authority  
Per: E-mail ([NompiloS@serviceseta.org.za](mailto:NompiloS@serviceseta.org.za))

CC: Amanda Buzo  
Chief Executive Officer  
Services Sector Education & Training Authority  
Per: Email ([Buzoa@serviceseta.org.za](mailto:Buzoa@serviceseta.org.za))

Dear Sir,

**INTERNAL APPEAL IN TERMS OF SECTION 74 & 75 OF THE PROMOTION OF ACCESS  
TO INFORMATION ACT, 2000 ("PAIA")**  
**OUR REF: EDU/SET01/001**  
**YOUR REF: N/A**

1. We refer to the above.
2. As mentioned in our initial PAIA application, OUTA is a proudly South African non-profit civil action organisation, comprising of and supported by people who are passionate about improving the prosperity of our nation. OUTA was established to challenge the abuse of authority, in particular the abuse of taxpayers' money.
3. On 23 January 2019, in accordance with our above-mentioned purpose, we submitted a request for access to information in terms of section 18(1) of the PAIA to the Services Sector Education and Training Authority ("SSETA"). This request pertained to certain records relating to the appointment of Grayson Reed Consulting (Pty) Ltd ("Grayson Reed") and is attached hereto for your reference as Annexure A.
4. On 1 February 2019, SSETA provided us with a statutory notice of extension in terms of section 26 of PAIA. The reasons for such included, inter alia, the view that some of the information we requested relates to a third party, who must be notified of the request and allowed the opportunity to make representations.

ORGANISATION UNDOING TAX ABUSE NPC


Reg No.: 2012/064213/08

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

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

ADDRESS: O'KEEFFE & Swartz Building, 318 Oak Avenue, Randburg, Gauteng

CONTACTS: 087 170 0639 • [info@outa.co.za](mailto:info@outa.co.za) • [www.outa.co.za](http://www.outa.co.za)



5. On 4 February 2019, we took notice of SSETA's reasons for the extension and declined to lodge an internal appeal as we considered said reasons to be justified.
6. On 22 March 2019, we received formal notice of SSETA's decision to refuse access to the information we requested, with the exception of the information listed under paragraphs 1 to 4 of Annexure A to our request. The refusal is annexed hereto as Annexure B.
7. In paragraph 2.1 to 2.7 of the refusal, it is indicated that Grayson Reed objected to the disclosure of the documents as:
  - 7.1. The requested information contains their trade secrets;
  - 7.2. The information contains, inter alia, their confidential financial, commercial and technical information;
  - 7.3. The disclosure of such will cause serious harm to their commercial interest and their company as a whole.
  - 7.4. The disclosure thereof will disadvantage them contractually and prejudice them in commercial competition;
  - 7.5. The disclosure thereof will compromise their ongoing execution of their obligations in terms of the contract and the project;
  - 7.6. May harm Grayson Reed's relationship with their consortium, finance and technology partners.
8. In paragraph 3 of the refusal, SSETA indicates that it refused our request because of the abovementioned objections raised by Grayson Reed. The objections listed in paragraphs 2.1 to 2.4 fall under section 36(1) of PAIA, which details the mandatory protection of commercial information of a third party.
9. The objections listed in paragraphs 2.5 and 2.7 are not based on any of the grounds for refusal listed under Chapter of PAIA and are illogical. We cannot fathom how the disclosure of public tender documents would result in the consequences detailed in the aforementioned paragraphs.

10. It must be emphasised that each and every record we have requested forms part of the public tender process and neither SSETA or Grayson Reed have identified how each of the records we have requested could result in one of the grounds listed under section 36(1) of PAIA.
11. In terms of section 46(b) of PAIA, despite the provisions of section 36 the information officer of a public body must grant a request for access to a record of the body if the public interest in the disclosure of the record clearly outweighs the harm contemplated in the provision in question.
12. The public interest at stake in this particular instance includes the furtherance of:
  - 12.1. The provisions of section 217 of the Constitution of South Africa, in ensuring the appointment of Grayson Reed by SSETA was a fair, equitable, transparent, competitive and cost-effective;
  - 12.2. The general goals of PAIA in giving effect to the constitutional right of access to any information held by the State and any information that is held by another person and that is required for the exercise or protection of any rights and to provide for matters connected therewith.
13. Accordingly, we submit that the public interest in the disclosure of the documents we requested clearly outweighs any potential harm that could be contemplated in terms of section 36(1) of PAIA and thus each and every document we requested should be disclosed in terms of section 46(b) of PAIA.
14. Additionally, in paragraph 4 of the refusal, SSETA asserts that the record we requested in paragraph 8 does not exist. In the event our request has been misinterpreted, deliberately or otherwise, we clarify that we are requesting the recommendations of the Bid Specification Committee that resulted in Grayson's eventual appointment to the tender described in our PAIA.
15. In light of the above, please find attached our Notice of Internal Appeal in regard to our abovementioned request for access to information, marked as Annexure C.



16. Please note that OUTA is willing to tender the costs of this appeal.
17. Kindly contact our Mr David Harty at [david.harty@outa.co.za](mailto:david.harty@outa.co.za) in the event of any queries.
18. Kindly acknowledge receipt of this appeal.
19. We trust you find the above in order and shall await the decision of the relevant authority within 30 days of receipt of this appeal.



---

**Stefanie Fick**  
**Chief Legal Officer**  
**OUTA – Organisation Undoing Tax Abuse**  
E-mail: [stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za)







REPUBLIC OF SOUTH AFRICA

**FORM B**  
**NOTICE OF INTERNAL APPEAL**  
**(Section 75 of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))**  
**[Regulation 8]**

STATE YOUR REFERENCE NUMBER: Not Provided

**A. Particulars of public body**

The Information Officer/Deputy Information Officer:

Amanda Buzo

Chief Executive Officer

The Services Sector Education and Trading Authority

Email: [Buzoa@serviceseta.org.za](mailto:Buzoa@serviceseta.org.za)

**B. Particulars of requester/third party who lodges the internal appeal**

- (a) The particulars of the person who lodge the internal appeal must be given below.
- (b) Proof of the capacity in which appeal is lodged, if applicable, must be attached.
- (c) If the appellant is a third person and not the person who originally requested the information, the particulars of the requester must be given at C below.

Full names and surname: Stefanie Fick

Identity number: 

7	4	0	1	1	9	0	0	1	4	0	8	7
---	---	---	---	---	---	---	---	---	---	---	---	---

Postal address: PO BOX 2627, NORTHRIDING, 2162

Telephone number: (071) 869 1959 Fax number: (.....)

E-mail address: stefanie.fick@outa.co.za

Capacity in which an internal appeal on behalf of another person is lodged: Chief Legal Officer for OUTA

**C. Particulars of requester**

This section must be completed ONLY if a third party (other than the requester) lodges the internal appeal.

Full names and surname: .....  
Identity number: 

--	--	--	--	--	--	--	--	--	--	--	--	--	--	--

**D. The decision against which the internal appeal is lodged**

Mark the decision against which the internal appeal is lodged with an X in the appropriate box:

x	Refusal of request for access
	Decision regarding fees prescribed in terms of section 22 of the Act
	Decision regarding the extension of the period within which the request must be dealt with in terms of section 26(1) of the Act
	Decision in terms of section 29(3) of the Act to refuse access in the form requested by the requester
	Decision to grant request for access

**E. Grounds for appeal**

If the provided space is inadequate, please continue on a separate folio and attach it to this form. You must sign all the additional folios.

State the grounds on which the internal appeal is based:

Please see the Cover Letter attached to this form for details. We are ultimately relying on sections 11(1) and 46 of PAIA.  
.....  
.....  
.....  
.....

State any other information that may be relevant in considering the appeal:

.....  
.....  
.....  
.....  
.....  
.....



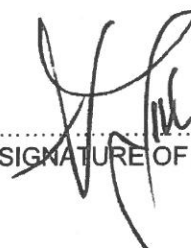
F. Notice of decision on appeal

You will be notified in writing of the decision on your internal appeal. If you wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

State the manner: Email.....

Particulars of manner: stefanie.fick@outa.co.za.....

Signed at Randburg..... this day 09..... of April..... year 2019.....

  
.....  
SIGNATURE OF APPELLANT

**FOR DEPARTMENTAL USE:**

**OFFICIAL RECORD OF INTERNAL APPEAL:**

Appeal received on ..... (date) by .....

..... (state rank, name and surname of information officer/deputy information officer).

Appeal accompanied by the reasons for the information officer's/deputy information officer's decision and, where applicable, the particulars of any third party to whom or which the record relates, submitted by the information officer/deputy information officer on ..... (date) to the relevant authority.

OUTCOME OF APPEAL: .....

DECISION OF INFORMATION OFFICER/DEPUTY INFORMATION OFFICER CONFIRMED/NEW DECISION SUBSTITUTED

NEW DECISION: .....

DATE RELEVANT AUTHORITY .....

RECEIVED BY THE INFORMATION OFFICER/DEPUTY INFORMATION OFFICER FROM THE RELEVANT AUTHORITY ON (date): .....

Services Sector Education & Training Authority (Services SETA)  
15 Sherborne Road, Parktown, Gauteng; 2193  
P O Box 3322, Houghton; 2041  
Email: [customercare@serviceseta.org.za](mailto:customercare@serviceseta.org.za)  
Website: [www.serviceseta.org.za](http://www.serviceseta.org.za)  
Tel: 011 276 9600



29 May 2019

**BY EMAIL**

**ATTENTION: ADV. S FICK**

**ORGANISATION UNDOING TAX ABUSE NPC  
318 OAK AVENUE  
RANDBURG**

**EMAIL: [STEFANIE.FICK@OUTA.CO.ZA](mailto:STEFANIE.FICK@OUTA.CO.ZA)**

Dear Adv. Fick

**SUBJECT: STATUTORY NOTICE OF EXTENSION IN TERMS OF SECTION 26 OF THE  
PROMOTION OF ACCESS TO INFORMATION ACT 2 OF 2000**

**RE: REQUEST FOR ACCESS TO INFORMATION in re GRAYSON REED  
CONSULTING (PTY) LTD – BID REF: PROC 7434**

1. I am instructed to advise that the Relevant Authority of the Services Sector Education and Training Authority it is considering the Internal Appeal lodged.
2. Furthermore, I also inform that the Relevant Authority has given Notice of the Internal Appeal to Grayson Reed Consulting (Pty) Ltd as required by **section 76** of the Promotion of Access to Information Act 2 of 2000 ("PAI Act").
3. A decision of the Relevant Authority, as required by **section 77** of the PAI Act, will be issued on or before **28 June 2019** after a special sitting to consider the Internal Appeal.
4. We trust you will find all to be in order.

Yours Sincerely

  
\_\_\_\_\_  
**MS AMANDA BUZO-GQOBOKA  
CHIEF EXECUTIVE OFFICER**

27 September 2019

To : The Chief Executive Officer  
Ms. Amanda Buzo-Gqoboka  
**Services SETA**

Per Email: [CEO@serviceseta.org.za](mailto:CEO@serviceseta.org.za)

Dear Sir / Madam,

**OUTA ENQUIRY – BLAMS AND LEARNER STIPEND PAYMENT PROCESS**

1. We refer to the above as well as your communication dated 5 September 2019 ("your notice"), attached hereto for ease of reference and marked "OUTA1".
2. It is noted with interest that the payment of learner stipends has been moved away from service providers such as Grayson Reed Consulting ("Grayson Reed"), to be performed inhouse by Services SETA ("SSETA"). The Organisation Undoing Tax Abuse ("OUTA") welcomes this decision as it would seem that SSETA considered our concerns as highlighted in the media statement dated 18 November 2018. The media statement can be found at <https://www.outa.co.za/services-seta-corruption-hits-jobless-youth>.
3. We trust that this decision by SSETA will attempt to eradicate the unfair treatment of disadvantaged learners who have often not received their stipends.
4. OUTA submits that the termination of the agreement as referred to above is a move in the right direction. However, SSETA cannot seek termination alone, as the consequences of ill governance and peculiar procurement practices are far reaching. In this regard, OUTA wishes to emphasise SSETA's duty as stipulated in section 51(1)(b) of the Public Finance Management Act, 1999 ("PFMA"), whereby the SSETA:

- "(b) must take effective and appropriate steps to-*
- (i) collect all revenue due to the public entity concerned; and*
  - (ii) prevent irregular expenditure, fruitless and wasteful expenditure, losses resulting from criminal conduct, and expenditure not complying with the operational policies of the public entity; and*

ORGANISATION UNDOING TAX ABUSE NPC

Reg No.: 2012/064213/08

Directors: W Duvenage (CEO), Adv. S Fick, G Gulston, Dr H Volmink

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

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

Contacts: 087 170 0639 • [info@outa.co.za](mailto:info@outa.co.za) • [www.outa.co.za](http://www.outa.co.za)

(iii) *manage available working capital efficiently and economically*"

5. It goes without saying that SSETA has suffered financial and reputational harm due to the lack of performance by Grayson Reed. In this regard and considering the SSETA's fiduciary duties as enshrined in national legislation, we request that you indicate the form of remedial action SSETA plans to take against Grayson Reed and other relevant stakeholders.
6. OUTA wishes to remind you that any omission by SSETA to take the appropriate action, whilst having reasonably been aware of any procurement irregularities or noncompliance with relevant policies, is considered financial misconduct as contemplated in section 83 of the PFMA.
7. As you may be aware, OUTA submitted a request for access to information in terms of the Promotion for Access to Information Act, 2000 ("PAIA") on 23 January 2019, but to no avail.
8. Having not received a favourable outcome to our request, we lodged an internal appeal on 9 April 2019, the outcome of which also failed to yield the desired outcome.
9. In this regard, OUTA grants the SSETA a final opportunity to reconsider our internal appeal. Should you fail to adhere to this request by 11 October 2019, we reserve our rights to approach the court by means of a formal application.
10. We trust that you find the above in order and look forward to receiving your response.

Yours Sincerely,



Dominique Msibi

Portfolio Manager Special Projects

dominique.msibi@outa.co.za

082 389 3202

