

**ORIGINAL**

**IN THE HIGH COURT OF SOUTH AFRICA  
(GAUTENG DIVISION, PRETORIA)**



CASE NO: 11353/20

In the matter between:

**ORGANISATION UNDOING TAX ABUSE NPC**

**APPLICANT**

And

**BUSISIWE MKHWEBANE**

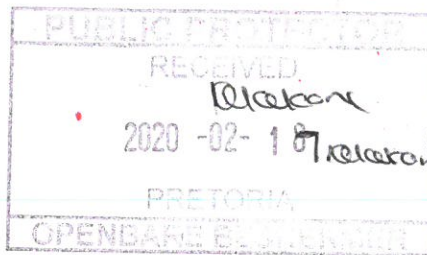
**FIRST RESPONDENT**

**VUSSY MAHLANGU**

**SECOND RESPONDENT**

**NEELS VAN DER MERWE**

**THIRD RESPONDENT**



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**NOTICE OF MOTION**

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**KINDLY TAKE NOTICE THAT** the Applicant intends to apply to the above Honourable Court on 05 November 2020 at 10h00 or so soon thereafter as counsel may be heard for an order in the following terms:

1. Declaring that the Respondents' refusal of access to the records is unlawful and in conflict with the provisions of PAIA;
2. Reviewing and setting aside the refusal by the Respondents' of the Applicant's request; and
3. Directing the Respondents to supply the Applicant with a copy of the requested information within 15 (fifteen) days of the granting of this order.
4. Directing the Respondents to pay the costs of this application in the event that they oppose the relief sought.
5. Further and/or alternative relief.

**TAKE NOTICE FURTHER** that the accompanying founding affidavit of **STEFANIE FICK** and the annexures thereto, will be used in support of this application

**BE PLEASED TO TAKE FURTHER NOTICE** that the Applicant has appointed, **ALET UYS ATTORNEYS** of the address below as the address at which it will accept notice and service of all further process in these proceedings.

**BE PLEASED TO TAKE FURTHER NOTICE that:**

- (a) Notice of intention to oppose the application must be given within 15 (fifteen) days after receipt hereto and must contain an address within 8 (eight) kilometers of the Court to which this application is brought, where notice and service of documents will be accepted.
- (b) Answering affidavits, if any, must be filed within 15 (fifteen) days after service of the notice of intention to oppose this application.
- (c) In default of you complying with rule 3(5) of the Rules of Procedure for Application to Court in terms of PAIA, the Applicant may request the Clerk of the Court or the Registrar as the case may be, to place this application before the Court for an order in terms of section 82 (b) of PAIA.
- (d) In default of your delivering a notice of intention to oppose, the matter will without further notice, be placed on the roll for hearing after the expiry of the period mentioned in paragraph (a) above, on a date fixed by the clerk of the court or the registrar as the case may be, in terms of rule 3(6) of the Rules of Procedure of Application to Court in terms of PAIA.

DATED at Pretoria on the 14th day of FEBRUARY 2020.

**ALET UYS ATTORNEYS**  
ATTORNEYS FOR THE APPLICANT  
STRUBENKOP COMPLEX  
397 CENTRAL PARK AVENUE  
LYNNWOOD, PRETORIA, 0081  
TEL: 060 729 9933  
EMAIL: [alet@aletuysattorneys.co.za](mailto:alet@aletuysattorneys.co.za)  
REF: OL0012

TO: **THE REGISTRAR OF THE  
ABOVE HONOURABLE COURT,  
PRETORIA**

AND TO: **BUSISIWE MKHWEBANE**  
FIRST RESPONDENT  
HILLCREST OFFICE PARK  
175 LUNNON ROAD,  
PRETORIA

PUBLIC PROTECTOR  
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2020 -02- 17  
PRETORIA  
OPENBARE BESKERMEN

AND TO: **VUSSY MAHLANGU**  
SECOND RESPONDENT  
HILLCREST OFFICE PARK  
175 LUNNON ROAD,  
PRETORIA

PUBLIC PROTECTOR  
RECEIVED  
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2020 -02- 17  
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OPENBARE BESKERMEN

AND TO: **NEELS VAN DER MERWE**  
THIRD RESPONDENT  
HILLCREST OFFICE PARK  
175 LUNNON ROAD,  
PRETORIA

PUBLIC PROTECTOR  
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**FOUNDING AFFIDAVIT**

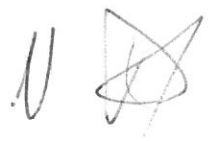
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I,

**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. In this regard, I attach as **ANNEXURE "SF1A"**, a resolution authorising the institution of these proceedings.
- 2 The facts contained herein are, unless the contrary appears from the context, within my personal knowledge and are true and correct.



- 3 Where necessary, I will refer to the relevant individuals who will support me in deposing to this affidavit, also in respect of the merits of this application, with which I will deal more fully hereunder.
- 4 To the extent that I rely on facts, statements, documents and/or reports made by third parties, I do so based on the belief that same is true and correct. To the extent necessary, I annex copies or extracts of those documents to this affidavit.
- 5 Where I make legal submissions, I do so based on the advice of the Applicant's legal representatives, which advice I choose to accept.

## **PARTIES**

- 6 The Applicant is The Organisation Undoing Tax Abuse ("OUTA"), 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.
- 7 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.
- 8 The first Respondent is Busisiwe Mkhwebane, an adult female, cited in her capacity as the Public Protector of the Republic of South Africa ("the PPSA"), the institution established in terms of sections 181 and 193 of the Constitution of the Republic of South Africa, 1996 ("the Constitution") and the Public Protector Act, 1994 ("the PP Act"), whose head office is situated at 175 Lunnon Street, Hill Crest Office Park, Pretoria.

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- 9 The second Respondent is Vussy Mahlangu, an adult male and Chief Executive Officer of the first Respondent who is cited herein in his capacity as the Information Officer in the office of the PPSA.
- 10 The third Respondent is Neels van Der Merwe an adult male who is cited herein in his capacity as a Deputy Information Officer in the office of the PPSA.

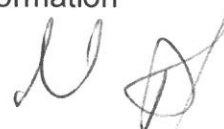
### **THE NATURE OF THIS APPLICATION AND THE RELIEF SOUGHT**

- 11 This is an application brought in terms of section 78(2) read with section 82(2) of the Promotion of Access to Information Act 2 of 2000 ("PAIA"). The Applicant seeks the following order:

- 11.1 Declaring that the Respondents' decision to refuse the Applicant's access to information requested in its request for information dated 8 July 2019 is unlawful and in conflict with PAIA;
- 11.2 Reviewing and setting aside the Respondents' refusal of the Applicant's request.
- 11.3 Directing the Respondents to supply the Applicant with a copy of the records requested in the Applicant's request for information dated 18 July 2019.

### **JURISDICTION**

- 12 I am advised that this court has jurisdiction to hear this application by virtue of the definition of "court" in section 1 of PAIA which provides that 'court' includes the High Court within whose area of jurisdiction the decision of the information



officer or relevant authority of the public body or the head of the private body has been taken. The decision of the PPSA was taken in Pretoria which falls under the area of jurisdiction of the honourable court.

- 13 The PPSA is a public body as defined in section 1 of PAIA on the basis that at the time of refusing the Applicant access to information, the PPSA was exercising her powers in terms of the enabling legislation.
- 14 On 18 July 2019 the Applicant, acting in accordance with the provisions of the PAIA, requested from the Respondent a set of records pertaining the content of the Respondent's investigation file on report 10 of 2019/2020, titled "*A Report on an Investigation into Allegations of Irregular Procurement of Official Vehicles for the former Premier of Mpumalanga Province, Honourable David Mabuza, by the Mpumalanga Office of the Premier*" ("the Respondent's report"). A copy of the Applicant's request is attached hereto and marked **ANNEXURE "SF1B"**.
- 15 The Respondent has refused the Applicant's request for information. In terms of clause 7.3 of the first Respondent's manual in terms of PAIA, the first Respondent does not have an internal appeal process against the decision of the Public Protector. In the absence of a relevant internal appeal procedure, the Applicant is entitled to bring this application in terms of section 78(2) read with section 82 of PAIA.



## STRUCTURE OF THE AFFIDAVIT

16 The structure of this affidavit is as follows:

16.1 An overview and objectives of the Applicant;

16.2 The factual background to this application;

16.3 The first Respondent had acted *ultra vires*;

16.4 The refusal by the Respondent to grant access to the records;

16.5 There is no basis in law for such refusal;

16.6 Lack of Third-Party Proceedings.

16.7 The public interest requires that access be granted.

## OVERVIEW AND OBJECTIVES OF THE APPLICANT

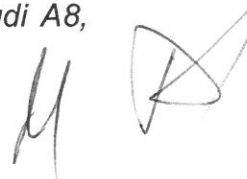
17 The Applicant is a civil action organisation (civil society) that through its various methodologies aims to hold government to account by challenging the abuse of authority, challenging irrational policy and legislation as well as engaging with the community and authorities in resolving issues pertaining to administration and service delivery within all spheres of government.

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**BACKGROUND**

- 18 The first Respondent conducted an investigation into allegations of irregular procurement of official vehicles for the former premier of the Mpumalanga province, the Honourable David Mabuza.
- 19 The investigation was initiated following a complaint lodged with the first Respondent on 23 January 2014. The complaint was lodged by the convener of the Economic Freedom Fighters in Mpumalanga, Ms Amanda Tshabalala.
- 20 The complaint alleged that on 9 January 2014, the office of the former Premier of Mpumalanga Province procured three (3) luxury vehicles worth R5million for use by the former Premier. The vehicles comprised of an Audi A8, BMW X5 and a Range Rover Vogue. A Lexus was also purchased to replace an earlier model that was used by the former Premier.
- 21 The Range Rover cost in the region of R1.9million excluding extras, with the Audi, BMW and Lexus costing approximately R1million each. The basis of the complaint was that the purchase of the complaint is that the purchase of these vehicles was inconsistent with the provisions of the Ministerial Handbook in that the amount spent thereon exceed 70% of inclusive remuneration package of the former Premier at the time.
- 22 The Public Protector issued a report setting out her findings in terms of section 182(1)(b) of the Constitution. Her findings were *inter alia* as follows:

“6.1.1 The allegation that the Office of the Mpumalanga Premier irregularly procured the official vehicles, a BMW X5, Audi A8,

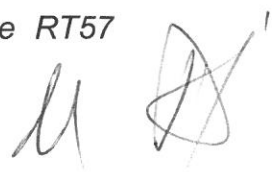
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*Lexus and a Range Rover Vogue, for the former Premier of Mpumalanga Province, Mr David Mabuza is substantiated.*

6.1.2 *The Office of the Premier was precluded from purchasing the BMW X5 in terms of the Ministerial Handbook as it was not an official vehicle of the Premier. The Office of the Premier therefore violated paragraph 1.1.3 of the Ministerial Handbook. It also failed to procure the BMW X5 in terms of paragraph 3.4.1 and 3.4.2 of the National Treasury Practice Note 8 of. 2007/08.*

6.1.3 *Although the Audi A8 was purchased through the Ministerial Handbook, the Office of the Premier acted contrary to paragraph 1.2.6 of the Handbook which required it to procure vehicles in accordance with the PFMA and its prescripts. As found by the Auditor-General, the Office of the Premier failed to comply with section 16.A6.5 of the Treasury Regulation in the procurement of the Audi A8 as it had opted for the RT57 contract, but procured the vehicle outside the said contract.*

6.14. *Dr Mkhize, the Accounting Officer in the Office of the Premier approved the purchase of the Range Rover Vogue through a deviation from the normal procurement process, but to failed to record reasons for deviation from inviting competitive bids which is in violation of paragraph 3.4.3 of the Practice Note No.8 of 2007/08 read with TR16.A6.4. The Auditor-General also found in this regard that the purchase of this vehicle was non-compliant with RT16.A6.5 as it was not done according to the RT57*

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*contract. The Auditor-General concluded that the expenditure of the vehicles amounted to an unauthorised and irregular expenditure.*

6.15 *Based on the above information, Dr Mkhize, as the accounting officer in the Office of the Premier, committed financial misconduct in terms of section 81(1)(b) of the PFMA during the procurement of the vehicles as the expenditure amounted to an unauthorised and irregular expenditure.*

6.1.6 *The conduct of the Office of the Premier, particularly Dr Mkhize, constitutes improper conduct as envisaged in section 6(4)(a)(i) of the Public Protector Act.*

6.2 *Regarding whether the former Premier of Mpumalanga Province, Mr David Mabuza was involved in the procurement of his official vehicles comprising of the BMW X5, Audi A8, Lexus and a Range Rover Vogue by the Office of the Premier and if so, whether such conduct constitutes a violation of the Executive Ethics Codes.*

6.2.1 *The allegation that the former Premier, Mr David Mabuza was involved in the procurement of his official vehicles is not substantiated.*

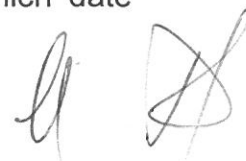
6.2.2 *The media statements, nature of the Complainant's complaint and documentary evidence received by my office indicates that the allegation of irregular procurement of the former Premier's*



*vehicles was against the Office of the Premier and not the former Premier in his personal capacity. No evidence can be produced to indicate that the former Premier was involved in the procurement process of the vehicles.*

6.2.3 *There was therefore no violation of the Code by the former Premier in the procurement of the vehicles in this matter.”*

- 23 In order to verify the abovementioned findings and to determine whether in fact the evidence in question had been interpreted incorrectly, the Applicant submitted its Request for Access to Information in terms of section 18(1) of PAIA (the request) on 18 July 2019. The particulars of records so requested are consolidated in the table as reflected in **“SF1B”**.
- 24 Subsequent to the Respondent’s failure to provide the Applicant with a formal response to its request within 30 days as prescribed in section 25 of PAIA, Ms Soretha Venter (“Ms Venter”), representative of the Applicant, sent email correspondence to the Respondent. Ms Venter noted the fact that neither any form of acknowledgement of receipt had been received, and secondly, granting the Respondent an indulgence to respond to its request by 6 September 2019. A confirmatory affidavit deposed to by Ms Venter, as well as the email correspondence dated 3 September 2019 is attached hereto and marked **ANNEXURE “SF2”** and **ANNEXURE “SF3”** respectively.
- 25 On 6 September 2019, as per the email correspondence attached hereto and marked **ANNEXURE “SF4”**, the Respondent advised that it intended to request a formal extension prior to the expiry date of 18 August 2019, which date



culminates to 30 days from 18 July 2019 (the date on which the Applicant's request was transmitted).

26 Furthermore, the Respondent confirmed that "*...in terms of PAIA there is no internal appeal process against the decision of the Public Protector...*" and requested that extension be granted in order for the Respondent to provide the Applicant with its formal decision by 18 September 2019.

27 On 9 September 2019, Ms Venter again sent email correspondence to the Respondent, noting the Respondent's delayed request for an extension. Moreover, the Applicant granted a final indulgence for the Respondent to submit its decision by no later than 14 October 2019. The email correspondence dated 9 September 2019 is attached hereto and marked **ANNEXURE "SF5"**.

28 By 25 September 2019 the Respondent had not given the Applicant any indication as to the pending decision on the latter's request. Consequently, Ms Venter sent a follow up email correspondence to its correspondence to the Respondent. The follow up correspondence is attached hereto and marked **ANNEXURE "SF6"**.

29 On the same day, the Respondent informed the Applicant that its failure to adhere to the Applicant's request is attributed to "*unforeseen circumstances*". The Respondent further confirmed that the investigation file to which the Applicant's request was in the possession of its Provincial Office in Nelspruit (Mbombela). Save for undue delay, the Respondent undertook to provide the Applicant with its formal decision to its request by 26 September 2019. The email

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correspondence dated 25 September 2019 is attached hereto and marked **ANNEXURE “SF7”**.

30 On 26 September 2019, Ms Venter noted the Respondent’s undertaking to produce its formal response as per **ANNEXURE “SF8”** attached hereto.

31 On 3 October 2019, Ms Venter reiterated that the Respondent had failed to adhere to any of the extended deadlines as undertook in the correspondence referred to above. Moreover, the Applicant confirmed that the Respondent’s non-compliance with indulgences granted by the Applicant constitutes an infringement on the Applicant’s right of access to information. The email correspondence dated 3 October 2019 is attached hereto and marked **ANNEXURE “SF9A”**.

32 I submit that all indulgences granted to Respondent were granted in good faith, however, the Respondent’s indifference toward the provisions of PAIA cannot be construed as a mere result of it being under capacitated.

33 The Applicant ultimately wishes to consider the institution of judicial review proceedings for the setting aside of the Respondent’s report. The Applicant will, however, only be in a position to do so upon the production of the records referred to in its request.

#### **THE FIRST RESPONDENT HAD ACTED ULTRA VIRES**

34 In terms of section 33(1) of PAIA, only the information officer of a public body may refuse access to a record contemplated in sections 37, 38 and 39 of PAIA. As per the PPSA’s manual published in terms of section 14 of PAIA, the PPSA’s



designated information officer is cited as “*Mr V Mahlangu*”, who is cited herein as the second Respondent. An extract of the PPSA’s manual, dated April 2019 is attached hereto and marked **ANNEXURE “SF9B”**.

35 Notwithstanding, the second respondent’s designation as the PPSA’s information officer is affirmed by the definition of “*information officer*” as contemplated in section 1 of PAIA. The definition reads as follows:

35.1 “*information officer*’ of, or in relation to, a public body-

...

*in the case of any other public body, means the chief executive officer, or equivalent officer, of that public body or the person who is acting as such...*”

36 It is apparent from “**SF10**” that the decision on the Applicant’s request had been rendered by the first Respondent and not by the second Respondent as prescribed by PAIA. In this regard, the first Respondent had acted *ultra vires* in deciding to refuse to grant access to the records so requested by the Applicant. Accordingly, the first Respondent’s decision is unlawful and should be set aside.

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## THE FIRST RESPONDENT'S REFUSAL TO GRANT ACCESS TO THE RECORDS

37 Notwithstanding the various delays in response as illustrated above, the first Respondent submitted her formal decision ("the Respondents decision") to the Applicant on 21 October 2019 as per **ANNEXURE "SF10"** attached hereto.

38 Essentially, the first Respondent set out her grounds for refusal of the Applicant's request in terms of the relevant legislative provisions as summarised below:

38.1 In terms of section 7(2) of the PP Act, the first Respondent refused to grant access to the records referred to in the Applicant's request, as the production of the records in question:

38.1.1 *"might cause harm to the commercial or financial interest of the businesses involved in the transactions for the purchase of the vehicles in question as envisaged in section 36 of PAIA;*

38.1.2 *could reasonably be expected to compromise the safety of an individual or property as envisaged in section 38 of PAIA;*

38.1.3 *would breach any confidentiality arrangement entered into between the Public Protector and the institutions concerned as envisioned in section 37(1)(a) of PAIA; and*

38.1.4 *may prejudice the Public Protector's future access to similar information held by the institutions concerned, as envisaged in section 37(1)(b) of PAIA (and it is in the public interest that*



*similar information from the same sources should continue to be supplied)."*

- 39 The Applicant was not satisfied with the outcome of the first Respondents' decision and considers it a frivolous attempt to abscond her (the Respondent) from her constitutional duties. In the absence of an internal appeal procedure, as confirmed by the third Respondent in "SF4", the Applicant addressed formal correspondence through its attorneys on 31 October 2019 to the first Respondent addressing the deficiencies of its ground of refusal. A copy of the formal correspondence is attached hereto and marked **ANNEXURE "SF11"**.
- 40 On 5 November 2019, the first Respondent confirmed that she is considering the Applicant's request as sought in "SF11" and further confirmed that the Applicant's request will be dealt with by its Senior Manager: Legal Services. The Respondent's email correspondence to this effect is attached hereto and marked **ANNEXURE "SF12"**.
- 41 On 6 November 2019, the Applicant through its attorneys noted the Respondents' confirmation and granted a final indulgence to the first Respondent to adhere to the Applicant's request as set out in "SF11" by 6 November 2019. The Applicant's email correspondence is attached hereto and marked **ANNEXURE "SF13"**.
- 42 I submit that to date, the Respondents have neither acknowledged receipt of the Applicant's final indulgence, nor did they provide any indication as to whether they will reconsider the Applicant's request.

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*similar information from the same sources should continue to be supplied)."*

- 39 The Applicant was not satisfied with the outcome of the first Respondents' decision and considers it a frivolous attempt to abscond her (the Respondent) from her constitutional duties. In the absence of an internal appeal procedure, as confirmed by the third Respondent in "SF4", the Applicant addressed formal correspondence through its attorneys on 31 October 2019 to the first Respondent addressing the deficiencies of its ground of refusal. A copy of the formal correspondence is attached hereto and marked **ANNEXURE "SF11"**.
- 40 On 5 November 2019, the first Respondent confirmed that she is considering the Applicant's request as sought in "SF11" and further confirmed that the Applicant's request will be dealt with by its Senior Manager: Legal Services. The Respondent's email correspondence to this effect is attached hereto and marked **ANNEXURE "SF12"**.
- 41 On 6 November 2019, the Applicant through its attorneys noted the Respondents' confirmation and granted a final indulgence to the first Respondent to adhere to the Applicant's request as set out in "SF11" by 6 November 2019. The Applicant's email correspondence is attached hereto and marked **ANNEXURE "SF13"**.
- 42 I submit that to date, the Respondents have neither acknowledged receipt of the Applicant's final indulgence, nor did they provide any indication as to whether they will reconsider the Applicant's request.



## REFUSAL TO GRANT ACCESS HAS NO BASIS IN LAW

43 I submit that the issues addressed in “**SF11**” is *verbatim* the Applicant’s basis for its recourse to the above honourable court, which will be set out below.

44 In the absence of an internal appeal procedure as contemplated in section 74 of PAIA, I submit that the Applicant has taken all reasonable steps, notwithstanding the Respondent’s failure to consider the Applicant’s concern through formal correspondence. Accordingly, the Applicant exhausted all its available remedies prior to approaching the above honourable court.

45 With regards to the Respondent’s decision (“**SF10**”), the Applicant considers the Respondent’s citation of section 7(2) of the PP Act as unfounded as the Respondent purportedly acted in terms of the PP Act, while its grounds for refusal are derived from PAIA. I accordingly submit that reliance on section 7(2) of the PP Act is superfluous.

46 Furthermore, the Respondent’s reliance on section 7(2) the PP Act would in any event not be in the spirit of the preamble of PAIA, which reads: “*foster[ing] a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information*”.

47 Notwithstanding, the Applicant’s basis for its appeal against the Respondent’s grounds for refusal are as follows:

47.1 The Respondent’s refusal based on section 36 of PAIA, ad paragraph 4(a) of the Respondent’s decision is frivolous, arbitrary and deficient, in that:

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- 47.1.1 the identities of the businesses and individuals to which the records in question relate have already been published in the Respondent's report;
- 47.1.2 no specific reference was made in terms of which particular provision of section 36 of PAIA the first Respondent's refusal is based on;
- 47.1.3 the provisions of section 36(1) of PAIA are mutually exclusive, thus a blanket refusal with mere reference to section 36 is insufficient;
- 47.1.4 the first Respondent failed to identify to which particular record(s) the refusal relates to, effectively disallowing the Applicant to address the disclosure of each and every record in the absence of a clearly identified ground for refusal; and
- 47.1.5 the first Respondent failed to address the manner and extent as to how the production of the records in question "*might cause harm to the commercial or financial interests of the business involved...*".
- 47.1.6 Furthermore, it should be noted that the records in question relate to invoices submitted to the MEC: Mpumalanga by, *inter alia*, Volkswagen Group South Africa, BMW South Africa and Autotec Dealer Group. Such documents are reflected on pages 18 to 21 of **ANNEXURE "SF14"**, which is an extract from the



Respondent's report. For brevity's sake, the entirety of the Respondent's report has been omitted.

47.2 The first Respondent's refusal based on section 38 of PAIA, ad paragraph 4(b) of the first Respondent's decision is frivolous, arbitrary and deficient, in that:

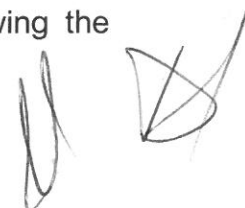
47.2.1 the first Respondent failed to address the manner and extent as to how the production of the records in question "*[c]ould reasonably be expected to compromise the safety of an individual or property...*"; and

47.2.2 the first Respondent failed to identify to which particular record(s) the refusal relates to, effectively disallowing the Applicant to address the disclosure of each and every record in the absence of a clearly identified ground for refusal.

47.3 The first Respondent's refusal based on section 37(1)(a) of PAIA, ad paragraph 4 (d) of the first Respondent's decision is frivolous, arbitrary and deficient, in that:

47.3.1 the first Respondent failed to indicate whether it has entered into any confidentiality and/or non-disclosure agreements with any third parties; and

47.3.2 the first Respondent failed to identify to which particular record(s) the refusal and inferred confidentiality and/ or non-disclosure agreements relates to, effectively disallowing the



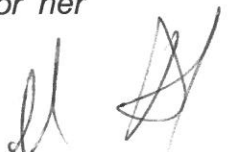
Applicant to address the disclosure of each and every record, rendering it impossible for the Applicant to determine which records are subject to confidentiality.

47.4 The first Respondent's refusal based on section 37(1)(b) of PAIA, ad paragraph 4 (e) of the Respondent's decision is frivolous, arbitrary and deficient, in that:

47.4.1 the first Respondent failed to indicate as to how the disclosure of the records in question "*...could reasonably be expected to prejudice the future supply of similar information, or information from the same source...*" as per section 37(1)(b)(i) of PAIA; and

47.4.2 the first Respondent failed to identify to which particular record(s) the refusal relates to, effectively disallowing the Applicant to address the disclosure of each and every record, rendering it impossible for the Applicant to determine which records may potentially yield the result as contemplated in section 37(1)(b) of PAIA.

47.4.3 In addition, I submit that the potential prejudice as proposed by section 37(1)(b) cannot reasonably materialise, considering that in terms of section 7(4)(a) of the PP Act, read together with section 182 of the Constitution: "*...the Public Protector may direct any person to submit an affidavit or affirmed declaration or to appear before him or her to give evidence or to produce any document in his or her possession or under his or her*



*control which has a bearing on the matter being investigated, and may examine such person.” [Own emphasis added].*

#### **LACK OF THIRD-PARTY PROCEEDINGS**

48 In the present circumstances, the first Respondent failed in its compliance with the provisions of PAIA. Ad paragraph 5 of the first Respondent’s decision, the first Respondent indicated that “[the Applicant is] *welcome to approach the Office of the Premier, Mpumalanga directly for access to the records in question.*” Notwithstanding the implied admission by the first Respondent that the record in question are of interest to a third party, it is unsettling that the Respondent failed to initiate third-party proceedings as contemplated in Chapter 5 of PAIA.

49 On the first Respondent’s own admission, ad paragraph 5 of her decision, the first Respondent tacitly confirmed that the Office of the Premier, Mpumalanga (“MEC: Mpumalanga) has an interest in the records in question. The first Respondent accordingly advised that the Applicant may “...*approach the [MEC: Mpumalanga] directly for access to the documents in question*”.

50 In terms of section 47(1) of PAIA “*the information officer... must take all reasonable steps to inform a third party to whom or which the record relates of the request.*” I submit that the Applicant has to date neither been advised as to whether any third party had been informed of its request nor about the outcome thereof, if any.



51 Accordingly, the first Respondent's failure to adhere to section 47(1) of PAIA eliminated the Applicant's right to consider two possible outcomes from a third party as per section 48(1), namely:

51.1 the possibility that a third party may make written or oral representations to the information officer concerned why the request should be refused;  
or

51.2 the possibility that a third party may give written consent for the disclosure of the record to the requester concerned.

52 I submit that the Respondents' indifference to the initiation of third-party proceedings presupposes that such third party have submitted representations and effectively refused to grant access to the records in question. As a Chapter 9 institution, the first Respondent's failure to impose procedures that give effect to section 32 of the Constitution cannot be construed as a mere oversight, but as a blatant disregard towards the rule of law.

53 I further submit that every document as requested by the Applicant formed part of the investigative process conducted by the first Respondent. The granting of access to these records could not reasonably result in the consequences as set out in the first Respondent's decision.

**PUBLIC INTEREST REQUIRES THAT ACCESS BE GRANTED**

54 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.

55 The Applicant ultimately wishes to consider the institution of judicial review proceedings for the setting aside of the Respondent's report. The Applicant will, however, only be in a position to do so upon the production of the records referred to in its request.

56 This matter falls rightfully under the provisions of section 46, as the production of the records in question would reveal whether or not the first Respondent complied with the provisions of the PP Act and essentially, sections 181 and 182 of the Constitution.

57 Moreover, the production of the records in question may also reveal the contravention of the Public Finance Management Act, 1999 ("PFMA") as far as the third parties to which the Respondent's report relate to are concerned. As the MEC Mpumalanga is a provincial department of government, it is subject to, *inter alia*, the provisions set out in Chapter 5 of the PFMA, non-compliance of which may potentially amount to financial misconduct as contemplated in section 81 of the PFMA.

58 It is for this reason the Applicant wishes to be granted access to the records in question, as such record will prove pivotal in determining whether an act of financial misconduct has been committed.

59 Section 32(1) of the Constitution confers on everyone the right of access to any information that is held by the State.

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60 Section 181 of the Constitution sets out the governing principles that govern state institutions that support constitutional democracy, including the PPSA. This includes, among others, the following that:

60.1 institutions such as the first Respondent, are independent, and subject only to the Constitution and the law, and they must be impartial and must exercise their powers and perform their functions without fear, favour or prejudice.

61 In turn, section 181 of the Constitution sets out the values and principles that govern public administration. This includes, among others, the following:

61.1 Public administration must be accountable; and

61.2 Transparency must be fostered by providing the public with timely, accessible, and accurate information.

62 The Applicant accordingly has a right to access the information held by the first Respondent. Thus, the first Respondent has an obligation to foster accountability and transparency.

63 PAIA gives effect to section 32 of the Constitution. The objects PAIA are set out in section 9 of PAIA. These include, among others, the following:

63.1 to promote transparency, accountability and effective governance of all public and private bodies.

64 Section 11 of PAIA provides that the Applicant must be given access to a record held by a public body (such as the Respondent) if the request complies with all

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procedural requirements in terms of PAIA and access is not refused in terms of any ground of refusal set out under that Act.

65 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.

66 In this matter the first Respondent refused access to the information on the basis of section 36(1) of PAIA as set out in the paragraphs above.

67 Even if any of the records in question fell within the restriction set out in sections 36, 37 and 38 of PAIA, I respectfully submit that the request for access should still have been granted in accordance with section 46 of PAIA.

68 The Respondents have failed to give effect to their constitutional obligations under PAIA.

69 Seen in the above light, there was no reasonable basis for the Respondents to refuse access to the records in question. It should have accordingly been granted.

70 The Applicant accordingly prays for an order setting aside the decision of the Respondent's Information Officer and an order granting the Applicant access to all the records sought under annexure "**SF1B**".

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**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 Johannesburg on this the 13<sup>th</sup> day of February 20~~19~~<sup>20</sup> 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.



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**COMMISSIONER OF OATHS**

RASHAAD DANDOR  
PRACTISING ATTORNEY  
774 WATERVAL ROAD  
LITTLE FALLS  
JHS.


**RESOLUTION No 2019/010**

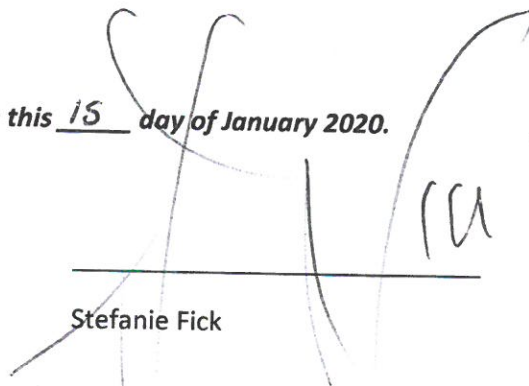
*Of the Executive Committee*

The Executive Committee of the Organisation Undoing Tax Abuse has discussed and resolved that:

- Stefanie Fick, in her capacity as Chief Legal Officer of the Organisation Undoing Tax Abuse ("OUTA") is hereby authorised to institute legal proceedings against the Public Protector South Africa on behalf of OUTA; and
- The scope of such authorisation includes, but is not limited to, the deposing to any affidavit so required by the relevant rules of court applicable to such legal proceedings.


Approved by the Executive Committee on this 15 day of January 2020.

  
\_\_\_\_\_  
Wayne Duvenage

  
\_\_\_\_\_  
Stefanie Fick

  
\_\_\_\_\_  
Heinrich Volmink

  
\_\_\_\_\_  
Julius Kleyhans

  
\_\_\_\_\_  
Godfrey Gulston

  
\_\_\_\_\_  
Kerry de Jonge



"SFIB"

## Alet Uys Attorneys

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**From:** soretha.venter@outa.co.za  
**Sent:** Thursday, 18 July 2019 16:00  
**To:** 'Neels van der Merwe'; 'elsabed@pprotect.org'  
**Cc:** 'stefanie.fick@outa.co.za'  
**Subject:** REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
**Attachments:** 18\_07\_2019 PAIA COVER LETTER signed.pdf; 18\_07\_2019\_FORM A COMPLETED.pdf; 18\_07\_2019\_PAIA Annexure.pdf  
**Importance:** High

Dear Sirs,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A**  
**OUR REF: SC/1906/022**  
**YOUR REF: UNKNOWN**

1. Kindly find attached application for your consideration and decisioning.
2. We trust you find above in order and would appreciate acknowledgement of receipt of our application.

Kind regards,

**OUTA**  
ORGANISATION UNDOING TAX ABUSE



**Soretha Venter**  
Legal Manager

**Email:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Tel:** 087 170 0639

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

18 July 2019

To: Adv. Neels van der Merwe  
Deputy Information Officer:  
Office of the Public Protector South Africa  
Per: E-mail (neelsvdm@pprotect.org)

And to: Adv. Elsabe de Waal  
Deputy Information Officer  
Office of the Public Protector South Africa  
Per: E-mail (elsabed@pprotect.org)

Dear Sirs

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF  
ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A  
OUR REF: SC/1906/022  
YOUR REF: UNKNOWN**

1. 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.
2. Kindly find attached hereto our request for access to information in terms of section 18(1) of the PAIA.
3. The application pertains to the content of the Public Protector South Africa's (PPSA) investigation file on report 10 of 2019/2020<sup>1</sup> as set out in more detail in the attached particulars of record marked **Annexure A**.
4. Kindly take note that we could not obtain some of the information relied on in the report, and which should be publicly available, due to vagueness of the description and would appreciate if you could provide us with a full description alternatively the relevant documents.

<sup>1</sup> ISBN NUMBER: 978-1-928507-17-8: "A REPORT ON AN INVESTIGATION INTO ALLEGATIONS OF IRREGULAR PROCUREMENT OF OFFICIAL VEHICLES FOR THE FORMER PREMIER OF MPUMALANGA PROVINCE, HONOURABLE DAVID MABUZA, BY THE MPUMALANGA OFFICE OF THE PREMIER"

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 • www.outa.co.za

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5. Kindly provide and/ or clarify the following –
  - 5.1 “Proclamation by the Acting President of the Republic of South Africa, dated 08 April 2014” as listed on page 20 paragraph 4.4.1.68 of Report 10 of 2019/ 2020 – the description is vague and thus we cannot trace said proclamation; and
  - 5.2 Whether the document listed as “Handbook for Members of the Executive and Presiding Officers”<sup>2</sup> is in fact the same document as referred to on page 18, paragraph 4.4.2.1 of Report 10 of 2019/ 2020<sup>3</sup>. Kindly further indicate whether either or both of the documents are the “Ministerial Handbook, A Handbook for Members of the Executive and Presiding officers as approved by Cabinet 7 February 2007”.
6. Kindly advise as to any cost occasioned by our request.
7. Kindly contact our legal manager, Ms. S Venter, at [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za) in the event of any queries.
8. We trust that you find the above in order and look forward to receiving your response within 30 days of our application.

Yours Sincerely,



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

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<sup>2</sup> As cited on page 20, paragraph 4.4.41.69 of Report 10 of 2019/ 2020

<sup>3</sup> Cited as “Chapter 5 of the Ministerial Handbook (official vehicles)”



**ANNEXURE A**

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

Access fee: R .....

\_\_\_\_\_  
**SIGNATURE OF INFORMATION OFFICER/  
DEPUTY INFORMATION OFFICER**

**A. Particulars of public body**

**Information Officer**

Name	Position	Tel No	E-mail
Mr V Mahlangu	Chief Executive Officer	012 366 7134	Dipuom@pprotect.org

**Deputy Information Officer**

Name	Position	Tel No	E-mail
Adv N vd Merwe	Manager: Records and Knowledge Management	012 366 7025	neelsvdm@pprotect.org
Adv E de Waal	Senior Manager: Administrative Justice and Service Delivery	012-366 7012	Elsabed@pprotect.org

<b>Physical Address:</b>	175 Lunnon Street, Hillcrest Office Park Pretoria
<b>Postal Address:</b>	Private Bag X677 Pretoria 0001
<b>Telephone Numbers:</b>	(012) 366-7000/ 0800112040
<b>Fax Numbers:</b>	(012) 362-3473

**B. Particulars of the 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 o.b.o OUTA

Identity number:

Postal address: 3118 OAK AVE, FERNDAL, RANDBURG, JOHANNESBURG

Fax number:

Telephone number: 0871700639

E-mail: stefanie.fick@outa.co.za / soretha.venter@outa.co.za

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

Chief Legal Officer of OUTA

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

ORGANISATION UNDOING TAX ABUSE NPC (OUTA)

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

Full names and surname: ORGANISATION UNDOING TAX ABUSE NPC (OUTA)

Identity number: Reg No.: 2012/064213/08

**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 the record or relevant part of the record:
  - 2) Reference number, if available:
  - 3) Any further particulars of the 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 the 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 the exemption of the payment of any fee, please state the reason for exemption.*

Reason for the exemption from payment of fees:

**F. Form of access to record**

*If you are prevented by disability to read, view of or listen to the record in the form of access provided for in 1 to 4 hereunder, 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 X.*

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 the 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:**

- copy of record\*
- inspection of record

**2. If the record consists of visual images-**

(this includes photographs, slides, video recordings, computer-generated images, sketches, etc.):

- view the images
- copy of the images
- \* transcription of the images\*

**3. If record consists of recorded words or information which can be reproduced in sound:**

- 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:**

- printed copy of record\*
- printed copy of information derived from the record\*
- copy in computer readable form

\*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

*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 do you prefer the record?

**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 thereof 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? Per electronic mail/ e-mail.

Signed at this the 18th day of July 2019

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SIGNATURE OF REQUESTER / PERSON ON WHOSE BEHALF REQUEST IS MADE

A handwritten signature in black ink, appearing to be 'A. H.', located at the bottom right of the page.

**REPORT 10 OF 2019/2020: A REPORT ON AN INVESTIGATION INTO ALLEGATIONS OF IRREGULAR PROCUREMENT OF OFFICIAL VEHICLES FOR THE FORMER PREMIER OF MPUMALANGA PROVINCE, HONOURABLE DAVID MABUZA, BY THE MPUMALANGA OFFICE OF THE PREMIER**

**1. Documents**

	<i>Particulars of record</i>	<i>Date of document</i>
1.1.	Quotation on the Range Rover 2013 <sup>1</sup>	undated
1.2.	Quotation on the Range Rover 2011 <sup>2</sup>	undated
1.3.	Motor Transport (Official Vehicle) <sup>3</sup>	undated
1.4.	Request to purchase government vehicle <sup>4</sup>	undated
1.5.	Report on the investigation <sup>5</sup>	undated
1.6.	Document on the replacement of vehicles: SAPS VIP protection services for the Premier from Director General JM Rabodila dated	20 June 2011
1.7.	Account tax invoice dated	21 June 2011
1.8.	Request to utilise one of the pool cars as a backup car for the executive authority by Ms Ally dated	11 July 2011
1.9.	Quotation from Autotec Motor Dealer Group dated	14 July 2011
1.10.	Office of the Premier - Procurement Request Form dated	12 September 2011
1.11.	Logistical Information System dated	20 September 2011
1.12.	Logistical Information System Procurement Advice dated	20 September 2011
1.13.	Logis procurement Integration dated	20 September 2011
1.14.	Government Order/ Service dated	20 September 2011
1.15.	Tax Invoice from Autotec dated	30 September 2011
1.16.	Creditor Payment Advice (Purchasing of Range Rover) dated	30 September 2011

<sup>1</sup> As listed on page 18, paragraph 4.4.1.8

<sup>2</sup> As listed on page 18, paragraph 4.4.1.9

<sup>3</sup> As listed on page 19, paragraph 4.4.1.30

<sup>4</sup> As listed on page 19, paragraph 4.4.1.32

<sup>5</sup> As listed on page 20, paragraph 4.4.1.62

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1.17.	Logistical information system simultaneous receipt and issue voucher dated	12 October 2011
1.18.	Government Order/ Services dated	10 January 2012
1.19.	Service estimate from Westbank auto dated	28 August 2012
1.20.	A letter and quotation for E70 X5 xDrive50i SAV dated	27 September 2012
1.21.	Motorplan CIA (vehicle information) BMW X5 (2012) FXF308MP dated	28 September 2012
1.22.	New Vehicle Tax Invoice from Eastview dated	28 September 2012
1.23.	Creditor Payment Advice (Purchase of BMW X5) dated	28 September 2012
1.24.	Request to purchase a backup car for executive authority by Ms Ally dated	28 September 2012
1.25.	Memorandum on the request to purchase a backup car for the authority from Ms Ally dated	28 September 2012
1.26.	Office of the Premier - Procurement Request Form dated	02 October 2012
1.27.	Certification of Registration in respect of motor vehicle dated	05 October 2012
1.28.	Service tax invoice from Westbank auto dated	12 November 2012
1.29.	Quotation from Audi Special Markets Consultant dated <sup>6</sup>	20 February 2013
1.30.	Quotation from Audi Special Markets Consultants dated <sup>7</sup>	20 February 2013
1.31.	Logis procurement Integration dated <sup>8</sup>	05 March 2013
1.32.	Logis procurement Integration dated <sup>9</sup>	05 March 2013
1.33.	Office of the Premier- Procurement Request Form dated	05 March 2013
1.34.	Procurement Request Form dated	08 March 2013
1.35.	Service tax invoice from Westbank auto dated	18 March 2013
1.36.	Tax Invoice from Volkswagen of South Africa dated	31 March 2013
1.37.	Account Statement from Volkswagen of South Africa dated	01 April 2013

<sup>6</sup> As listed on page 19, paragraph 4.4.1.42

<sup>7</sup> As listed on page 20, paragraph 4.4.1.54

<sup>8</sup> As listed on page 19, paragraph 4.4.1.41

<sup>9</sup> As listed on page 20, paragraph 4.4.1.53

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1.38.	Government order/ Service dated	25 April 2013
1.39.	Logistical Information System Cost Centre Deliveries dated	26 April 2013
1.40.	Logistical Information System Simultaneous Receipt and Issue Voucher dated	26 April 2013
1.41.	Logistical Information Procurement Advice dated	26 April 2013
1.42.	Logis procurement Integration dated	26 April 2013
1.43.	Logistical Information System Cost Centre Deliveries dated	26 April 2013
1.44.	Logistical Information System Procurement Advice dated	26 April 2013
1.45.	Logis procurement Integration dated	26 April 2013
1.46.	Tax invoice from Volkswagen dated	01 May 2013
1.47.	Government order/ Service dated	03 May 2013
1.48.	Account Statement from Volkswagen dated	07 May 2013
1.49.	Logis Procurement Integration dated	09 May 2013
1.50.	Creditor payment advice for Audi dated	10 May 2013
1.51.	Vat Vendor Research dated	13 May 2013
1.52.	Creditor payment advice dated	21 May 2013
1.53.	Used Vehicle Appraisal dated	25 July 2013
1.54.	Tax invoice from Autotec dated	16 August 2013
1.55.	Proforma Invoice from Autotec dated	16 August 2013
1.56.	Tax Invoice from Autotec dated	16 August 2013
1.57.	Tax invoice from Autotec dated	16 August 2013
1.58.	Memorandum on the request for deviation from RT57 contract in the procurement of MG vehicle from KJ Dlamini dated	19 August 2013
1.59.	Procurement of a pool vehicle for the office from Dr Mkhize dated	23 August 2013
1.60.	A letter on the procurement of a pool vehicle for the Office of the Premier from Ms Nkamba dated	24 August 2013

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1.61.	Offer to purchase a Range Rover 2013 dated	29 August 2013
1.62.	A letter on the purchase of Range Rover Vogue Super Charge AB -1X2013 from Dr Mkhize dated	29 August 2013
1.63.	Office of the Premier - Procurement Request Form dated	04 September 2013
1.64.	Logistical Information System call center delivery dated	05 September 2013
1.65.	Logistical Information System simultaneous receipt and issue voucher dated	05 September 2013
1.66.	Government order/ Services for Motor Vehicle dated	05 September 2013
1.67.	Request letter to Standard Bank for Credit Transfer dated	10 September 2013
1.68.	The initial complaint by the EFF dated	23 January 2014
1.69.	Request for information on utilised vehicles by the Premier for Mpumalanga from Head of Protection and Security dated	10 April 2014
1.70.	Request letter for information on vehicles utilised by the Premier of Mpumalanga from NS Rasivhetshela dated	10 April 2014
1.71.	A document from the SAPS to the Office of the Premier on the request for information on vehicles used by the Premier dated	10 April 2014
1.72.	Volkswagen group SA vehicle history dated	16 April 2014
1.73.	Vehicle Kilometer Readings as at	17 April 2014
1.74.	Delivery note to the PPSA office dated	23 April 2014

## 2. Correspondence sent and received

2.1.	<b><i>Document requested</i></b>	<b><i>Date of document</i></b>
2.2.	A memorandum on vehicle for the executive authority from Ms Ally dated	04 August 2011
2.3.	A request to purchase a principal car for the executive authority from Dr Mkhize dated	22 February 2013

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2.4.	A letter from the Office of the Public Protector to the Office of the Premier raising the matter and requesting all the necessary documents dated	28 January 2014
2.5.	Response from the Office of the Premier on the requested documents dated <sup>10</sup>	06 February 2014
2.6.	A letter from the Office of the Premier to the Office of the Public Protector dated <sup>11</sup>	06 February 2014
2.7.	A letter to request an extension to conclude an investigation from Adv Madonsela dated	10 March 2014
2.8.	Document request sent to the former Premier dated	10 March 2014
2.9.	Confirmation emails from the Office of the Premier dated	03 April 2014
2.10.	Document request letter dated	08 April 2014
2.11.	A letter requesting further information from the Office of the Premier dated	08 April 2014
2.12.	A response letter from the Office of the Premier dated <sup>12</sup>	21 April 2014
2.13.	A response letter from the Office of the Premier dated <sup>13</sup>	21 April 2014
2.14.	Confirmation letter from Dr Mkhize dated	04 June 2015
2.15.	A letter of update from my office dated	04 June 2015
2.16.	A letter requesting further information and particulars from the former Premier dated	13 October 2017
2.17.	A letter to the Mpumalanga Premier from my investigation team dated	31 October 2017
2.18.	A letter to the former Chief of Staff in the Office of the Premier Mpumalanga dated	26 August 2018
2.19.	A letter to Ms Ally dated	18 September 2018

<sup>10</sup> As listed on page 22, paragraph 4.4.3.2

<sup>11</sup> As listed on page 22, paragraph 4.4.3.12

<sup>12</sup> As listed on page 22, paragraph 4.4.3.6

<sup>13</sup> As listed on page 22, paragraph 4.4.3.10

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2.20.	A Response letter from the Office of the Premier to the Office of the Public Protector dated	08 October 2018
2.21.	An email correspondence between the Public Protector investigation team and Ms Ally dated	03 October to 13 November 2018
2.22.	A section 7(9)(a) notice sent to Dr Mkhize dated (including all attachments)	26 March 2019
2.23.	Subsequent responses received, if any, to the above mention section 7(9)(a) notice addressed to Dr Mkhize	Date unknown
2.24.	A section 7(9)(a) notice sent to the Mpumalanga Premier dated	26 March 2019
2.25.	Subsequent responses received, if any, to the above mention section 7(9)(a) notice addressed to the Mpumalanga Premier	Date unknown

### 3. Minutes and notes of meetings held

- 3.1. Minutes or notes taken during a meeting held between my office and Dr Mkhize on 27 September 2017; and
- 3.2. Minutes or notes taken during a meeting with the Acting Director-General in the Office of the Premier held on 08 October 2018.

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"SF2"

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

CASE NO:

In the matter between:  
**ORGANISATION UNDOING TAX ABUSE NPC**

**APPLICANT**

And

**BUSISIWE MKHWEBANE**

**FIRST RESPONDENT**

**VUSSY MAHLANGU**

**SECOND RESPONDENT**

**NEELS VAN DER MERWE**

**THIRD RESPONDENT**

---

**CONFIRMATORY AFFIDAVIT**

---

I, the undersigned,

**SORETHA VENTER**



do hereby make oath and say that;

1. I am an adult female and Legal Manager in the employ of the Applicant, carrying out my duties at its head office situated at 318 Oak Avenue, 11th Floor, O'Keeffe & Swartz Building, Randburg.
2. The facts contained in this affidavit are correct, and fall within my personal knowledge, unless the context indicates otherwise.



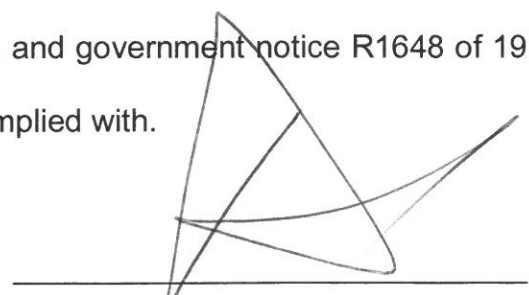
3. I have read the Founding Affidavit deposed by Stefanie Fick on behalf of the Applicant in this matter and confirm the contents thereof insofar as it relates to me.

DATED at Johannesburg on this the 13th day of JANUARY 2020.



**SORETHA VENTER**

Thus signed and sworn before me at Johannesburg on this 13th day of February 2020, by the deponent who has declared that he has read this affidavit, knows and understands the contents thereof, which are true and correct, has no objection to the taking of the prescribed oath, and regards the same as binding on his conscience. The regulations in Government Notice no R1258 of 21 July 1972, as amended, and government notice R1648 of 19 August 1977, as amended, had been complied with.



**COMMISSIONER OF OATHS**

FULL NAMES: RASMAAD PANDOR  
CAPACITY: PRACTICING ATTORNEY  
DESIGNATION:  
ADDRESS: 774 WATERVAL ROAD  
LITTLE FALLS  
JHB.

"SF3"

**Alet Uys Attorneys**

**From:** soretha.venter@outa.co.za  
**Sent:** Tuesday, 03 September 2019 8:26  
**To:** 'Neels van der Merwe'; 'vussym@pprotect.org'  
**Cc:** 'stefanie.fick@outa.co.za'  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
**Attachments:** REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
**Importance:** High

Dear Sirs,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A**  
**OUR REF: SC/1906/022**  
**YOUR REF: UNKNOWN**

1. Our PAIA application submitted to your office on 18 July 2019 refers. Said application is attached for your ease of reference.
2. Kindly take note that we have received no response to our application.
3. In the premises, and before lodging an internal appeal based on a deemed refusal, we hereby grant you an indulgence until the end of the week, *6 September 2019*, to respond to our application.
4. Kindly take note that any indulgence granted should not be deemed an extension of any time period and thus we will continue to draft and lodge our internal appeal by no later than *Monday, 9 September 2019*.
5. All our rights are reserved.
6. We trust you find above in order and eagerly await your response.

Kind regards,



**Soretha Venter**  
Legal Manager

**Email:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Tel:** 087 170 0639

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

---

**From:** soretha.venter@outa.co.za <soretha.venter@outa.co.za>  
**Sent:** Thursday, 18 July, 2019 4:00 PM  
**To:** 'Neels van der Merwe' <Neelsvdm@pprotect.org>; 'elsabed@pprotect.org' <elsabed@pprotect.org>  
**Cc:** 'stefanie.fick@outa.co.za' <stefanie.fick@outa.co.za>  
**Subject:** REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
**Importance:** High

Dear Sirs,



**From:** Neels van der Merwe <[Neelsvdm@pprotect.org](mailto:Neelsvdm@pprotect.org)>

**Sent:** Friday, 6 September, 2019 10:47 AM

**To:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Cc:** [stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za); Elsabe de Waal <[Elsabed@pprotect.org](mailto:Elsabed@pprotect.org)>; Kutlwano Mohanoe <[KutlwanoM@pprotect.org](mailto:KutlwanoM@pprotect.org)>; Vussy Mahlangu <[VussyM@pprotect.org](mailto:VussyM@pprotect.org)>

**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

Dear Ms Venter

1. We apologise for the delay in responding to you. As Deputy Information Officers we are inundated with applications for access to information and our resources are limited.
2. We intended to request an extension in terms of PAIA prior to the due date of 18 August 2019 as the request requires a search through a large number of records which are not held at the National Office of the Public Protector, as well as consultation with the investigating team.
3. Kindly note that in terms of PAIA there is no internal appeal process against the decisions of the Public Protector on requests for access to information, but if you would bear with us, we would be able to provide you with the outcome of your application for access to information before or on 18 September 2019.

Rgds

Neels vd Merwe (Adv)  
Manager: Research and Knowledge Management  
Deputy Information Officer  
Public Protector South Africa  
Tel 012 3667025  
Fax2Email 0865201525



**From:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za) [<mailto:soretha.venter@outa.co.za>]

**Sent:** Tuesday, September 3, 2019 8:26 AM

**To:** Neels van der Merwe; Vussy Mahlangu

**Cc:** [stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za)

**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

**Importance:** High

Dear Sirs,



**From:** soretha.venter@outa.co.za  
**Sent:** Monday, 09 September 2019 16:32  
**To:** 'Neels van der Merwe'  
**Cc:** 'stefanie.fick@outa.co.za'; 'Elsabe de Waal'; 'Kutlwano Mohanoe'; 'Vussy Mahlangu'  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

**Importance:** High

Dear Sirs,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A**  
**OUR REF: SC/1906/022**  
**YOUR REF: UNKNOWN**

1. Your e-mail below refers.
2. We take note of your intention to take/ request an extension. We place on record that the extension was not taken or requested until Friday, 6 September 2019, three (3) weeks after the due date.
3. In light of the above and in line with section 26(3) of PAIA, kindly advise when you will be providing us with the requested information, but no later than *14 October 2019*.
4. Further, kindly advise where the documents are held, if not at your head office.
5. We hereby reserve our right to appeal your decision to extend the time period depending on the reasons and time line provided and as requested above.
6. Finally, we confirm that PPSA does not have an internal appeal procedure as advised by yourself and will thus be approaching a court of law should we deem it necessary.
7. We trust you find above in order and urgently await your response.

Kind regards,



**Soretha Venter**  
Legal Manager

**Email:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Tel:** 087 170 0639

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

**From:** Neels van der Merwe <Neelsvdm@pprotect.org>

**Sent:** Friday, 6 September, 2019 10:47 AM

**To:** soretha.venter@outa.co.za

**Cc:** stefanie.fick@outa.co.za; Elsabe de Waal <Elsabed@pprotect.org>; Kutlwano Mohanoe <KutlwanoM@pprotect.org>; Vussy Mahlangu <VussyM@pprotect.org>

**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

"SF6"

**Alet Uys Attorneys**

**From:** soretha.venter@outa.co.za  
**Sent:** Wednesday, 25 September 2019 10:11  
**To:** 'Neels van der Merwe'  
**Cc:** 'stefanie.fick@outa.co.za'; 'Elsabe de Waal'; 'Kutlwano Mohanoe'; 'Vussy Mahlangu'  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

**Importance:** High

Dear Sir,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A**  
**OUR REF: SC/1906/022**  
**YOUR REF: UNKNOWN**

1. The trailing e-mails refer.
2. Kindly take note that we have not received a response from your office despite you stating that: "...[PPSA] would be able to provide [OUTA] with the outcome of [our] application for access to information before or on **18 September 2019.**" (Own emphasis added)
3. We urgently request you to respond and advise accordingly alternatively we will have no choice but to exhaust other legal avenues available to us.
4. All rights are reserved.
5. We trust you find above in order and eagerly await your response.

Kind regards,



**Soretha Venter**  
Legal Manager

**Email:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Tel:** 087 170 0639

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

---

**From:** soretha.venter@outa.co.za <soretha.venter@outa.co.za>  
**Sent:** Monday, 9 September, 2019 4:32 PM  
**To:** 'Neels van der Merwe' <Neelsvdm@pprotect.org>  
**Cc:** 'stefanie.fick@outa.co.za' <stefanie.fick@outa.co.za>; 'Elsabe de Waal' <Elsabed@pprotect.org>; 'Kutlwano Mohanoe' <KutlwanoM@pprotect.org>; 'Vussy Mahlangu' <VussyM@pprotect.org>  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
**Importance:** High

Dear Sirs,

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

"SF 7"

**Alet Uys Attorneys**

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**From:** Neels van der Merwe <Neelsvdm@pprotect.org>  
**Sent:** Wednesday, 25 September 2019 16:39  
**To:** soretha.venter@outa.co.za  
**Cc:** stefanie.fick@outa.co.za; Elsabe de Waal; Kutlwano Mohanoe; Vussy Mahlangu  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

Dear Ms Venter

Once again I apologise for the delay, I was unfortunately out of the Office for a few days due to unforeseen circumstances and could not respond earlier to your communication seeking reasons for the extension of time and confirmation that we will provide your office with the requested information before or on 14 October 2019.

The file was with the Nelspruit Provincial Office of the Public Protector and the investigation team consisted of members of both the National and Provincial Offices.

We have now received the file and are preparing the submission to the Information Officer as well as the Public Protector for consideration as well as directives in terms of PAIA and the Public Protector Act, 1994.

The submission will be finalised by the 26<sup>th</sup> of September 2019 and we anticipate a resolution on your application by early next week which we will immediately communicate to your good offices.

It will be appreciated if you could bear with us until then.

Rgds

Neels vd Merwe (Adv)  
Manager: Research and Knowledge Management  
Deputy Information Officer  
Public Protector South Africa  
Tel 012 3667025  
Fax2Email 0865201525



---

**From:** soretha.venter@outa.co.za [mailto:soretha.venter@outa.co.za]  
**Sent:** Wednesday, September 25, 2019 10:11 AM  
**To:** Neels van der Merwe  
**Cc:** stefanie.fick@outa.co.za; Elsabe de Waal; Kutlwano Mohanoe; Vussy Mahlangu  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000  
**Importance:** High

Dear Sir,

UA

**From:** soretha.venter@outa.co.za  
**Sent:** Thursday, 26 September 2019 11:30  
**To:** 'Neels van der Merwe'  
**Cc:** 'stefanie.fick@outa.co.za'; 'Elsabe de Waal'; 'Kutlwano Mohanoe'; 'Vussy Mahlangu'  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

Dear Sir,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A**  
**OUR REF: SC/1906/022**  
**YOUR REF: UNKNOWN**

1. Your trailing e-mail refers, the content of which has been noted.
2. Kindly take note that we are consulting on your response and will revert in due course.

Kind regards,



**Soretha Venter**  
Legal Manager

**Email:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Tel:** 087 170 0639

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

---

**From:** Neels van der Merwe <Neelsvdm@pprotect.org>  
**Sent:** Wednesday, 25 September, 2019 4:39 PM  
**To:** soretha.venter@outa.co.za  
**Cc:** stefanie.fick@outa.co.za; Elsabe de Waal <Elsabed@pprotect.org>; Kutlwano Mohanoe <KutlwanoM@pprotect.org>; Vussy Mahlangu <VussyM@pprotect.org>  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

Dear Ms Venter

Once again I apologise for the delay, I was unfortunately out of the Office for a few days due to unforeseen circumstances and could not respond earlier to your communication seeking reasons for the extension of time and confirmation that we will provide your office with the requested information before or on 14 October 2019.

The file was with the Nelspruit Provincial Office of the Public Protector and the investigation team consisted of members of both the National and Provincial Offices.

We have now received the file and are preparing the submission to the Information Officer as well as the Public Protector for consideration as well as directives in terms of PAIA and the Public Protector Act, 1994.

The submission will be finalised by the 26<sup>th</sup> of September 2019 and we anticipate a resolution on your application by early next week which we will immediately communicate to your good offices.


**From:** soretha.venter@outa.co.za  
**Sent:** Thursday, 03 October 2019 15:47  
**To:** 'Neels van der Merwe'  
**Cc:** 'stefanie.fick@outa.co.za'; 'Elsabe de Waal'; 'Kutlwano Mohanoe'; 'Vussy Mahlangu'  
**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

**Importance:** High

Dear Sir,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000 ("PAIA") – FORM A**  
**OUR REF: SC/1906/022**  
**YOUR REF: UNKNOWN**

1. The trailing e-mails refer.
2. It is yet again almost the end of another week and the Office of the Public Protector (PPSA) has again failed to meet its own deadlines.
3. We have consulted on the matter and have decided to grant PPSA one last indulgence to consider and provide us with the information as requested in our PAIA application before approaching the High Court.
4. We place on record that the communication, time lines and commitments received from PPSA has been confusing, to say the least, and not in adherence to PAIA. It is concerning that a watchdog for Democracy has failed so dismally in complying with its Constitutional responsibilities and we fear for the man on the street who does not possess the resources and skill at our disposal.
5. In support of the above we place on record that PPSA took more than 30 days, as allowed by section 25 of PAIA, to acknowledge and respond to our application and this only after being prompted to do so.
6. PPSA, then took extension (after the initial time had lapsed) and undertook to provide an outcome to our application by 18 September 2019. Again PPSA did not keep to its own deadline and, again, had to be prompted for a response.
7. In the last correspondence received, your Adv. Van der Merwe committed to making an unnamed submission to the Information Officer and the Public Protector by 26 September 2019 *"for consideration as well as directives in terms of PAIA and the Public Protector Act, 1994"*. We are unaware of any such submission or directives as a requirement in terms of the PAIA or PPSA for the provision of information.
8. Notwithstanding the latter your Adv. Van der Merwe undertook to provide us with a resolution early the following week (this week), which is yet to be received.
9. Kindly take note that 14 October 2019, as cited in our previous correspondence as well as your last correspondence would be the maximum days allowed by PAIA for PPSA to respond. We submit that PAIA states that information should be provided **as soon as possible** but not longer than the prescribed days, this meaning that an institution should not regard the 30 day period as the prescribed minimum days but rather the exception. Continuous extension and non-meeting of deadlines amount to contravention of PAIA, undue delays, confusion and an infringement of our right to information- an infringement we do not take lightly and will act upon.



10. In the premise, we hereby place the Office of the Public Protector on terms. Kindly take note that should we not receive a decision and the requested information before or on 14 October 2019 we will have to take the necessary steps to protect our rights which steps may include a cost order *de bonis propriis*.

11. We trust you find above in order and urge you to act accordingly.



**Soretha Venter**  
Legal Manager

**Email:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Tel:** 087 170 0639

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

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**From:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za) <[soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)>

**Sent:** Thursday, 26 September, 2019 11:30 AM

**To:** 'Neels van der Merwe' <[Neelsvdm@pprotect.org](mailto:Neelsvdm@pprotect.org)>

**Cc:** 'stefanie.fick@outa.co.za' <[stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za)>; 'Elsabe de Waal' <[Elsabed@pprotect.org](mailto:Elsabed@pprotect.org)>; 'Kutlwano Mohanoe' <[KutlwanoM@pprotect.org](mailto:KutlwanoM@pprotect.org)>; 'Vussy Mahlangu' <[VussyM@pprotect.org](mailto:VussyM@pprotect.org)>

**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

Dear Sir,

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

**OUR REF: SC/1906/022**

**YOUR REF: UNKNOWN**

1. Your trailing e-mail refers, the content of which has been noted.
2. Kindly take note that we are consulting on your response and will revert in due course.

Kind regards,



**Soretha Venter**  
Legal Manager

**Email:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Tel:** 087 170 0639

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

---

**From:** Neels van der Merwe <[Neelsvdm@pprotect.org](mailto:Neelsvdm@pprotect.org)>

**Sent:** Wednesday, 25 September, 2019 4:39 PM

**To:** [soretha.venter@outa.co.za](mailto:soretha.venter@outa.co.za)

**Cc:** [stefanie.fick@outa.co.za](mailto:stefanie.fick@outa.co.za); 'Elsabe de Waal' <[Elsabed@pprotect.org](mailto:Elsabed@pprotect.org)>; Kutlwano Mohanoe <[KutlwanoM@pprotect.org](mailto:KutlwanoM@pprotect.org)>; Vussy Mahlangu <[VussyM@pprotect.org](mailto:VussyM@pprotect.org)>

**Subject:** RE: REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF ACCESS TO INFORMATION ACT, 2000

Dear Ms Venter

"SF9B"

- a) To investigate any conduct in State affairs or in the public administration in any sphere of government that is alleged or suspected to be improper or to result in impropriety or prejudice.
- b) To mediate, negotiate, conciliate, report and take remedial action.

**3. CONTACT DETAILS (SECTION 14 (1) (B))**

**3.1 Information Officer**

Name	Position	Tel No	E-mail
Mr V Mahlangu	Chief Executive Officer	012 366 7134	Dipuom@pprotect.org

**3.2 Deputy Information Officers**

Name	Position	Tel No	E-mail
Adv N vd Merwe	Manager: Records and Knowledge Management	012 366 7025	neelsvdm@pprotect.org
Adv E de Waal	Senior Manager: Administrative Justice and Service Delivery	012-366 7012	Elsabed@pprotect.org

<b>Physical Address:</b>	175 Lunnon Street, Hillcrest Office Park Pretoria
<b>Postal Address:</b>	Private Bag X677 Pretoria 0001
<b>Telephone Numbers:</b>	(012) 366-7000/ 0800112040
<b>Fax Numbers:</b>	(012) 362-3473

"SF10"



PUBLIC PROTECTOR  
SOUTH AFRICA

Accountability • Integrity • Responsiveness

MOSIRELETSI WA SETŠHABA • MOŠIRELETŠI WA SETŠHABA  
MUSIRHELELI WA VANHU • MUTSIRELEDZI WA TSHITSHAVHA  
OPENBARE BESKEMER • UMKHUSELI WOLUNTU • UMWIKELI WOMPHAKATHI  
UMVIKELI WEMPHAKATSI • UMWIKELI WESITJHABA

**PRIVATE OFFICE**

Private Bag X677, Pretoria 0001 • 175 Lunnon Street • Hillcrest Office Park, 0083  
Tel: (012) 366 7108 • Fax: (012) 362 8918 • tollfree: 0800 11 20 40

Ms. Stefanie Fick  
Chief Legal Officer  
Organisation Undoing Tax Abuse  
O'Keeffe & Swartz Building,  
318 Oak Avenue  
Randburg  
Gauteng

Ephraimk@pprotect.org

Public Protector South Africa @PublicProtector

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

Dear Ms Fick

**REQUEST FOR ACCESS TO INFORMATION IN TERMS OF THE PROMOTION OF  
ACCESS TO INFORMATION ACT 2 OF 2000**

1. I refer to your request for Access to Information in terms of the Promotion of Access to Information Act 2 of 2000 (PAIA).
2. We sincerely apologise for the delay in responding to you in time, it was due to circumstances beyond our control as a result of, *inter alia*, capacity constraints.
3. I consulted with the Investigation Team as well as the Deputy Information Officers of the Public Protector, acting in terms of section 17 of the PAIA, on your request for access to the requested documents and records in investigation file 7/2-001428/14 (Report no 10 of 2019/20).
4. In terms of section 7(2) of the Public Protector Act, 1994 I am, however, unable to accede to your request for access as I am the view that the disclosure of the records in question -



- a) Might cause harm to the commercial or financial interests of the businesses involved in the transactions for the purchase of the vehicles in question as envisaged in section 36 of PAIA;
  - b) Could reasonably be expected to compromise the safety of an individual or property as envisaged in section 38 of PAIA;
  - d) Would breach any confidentiality arrangement entered into between the Public Protector and the institutions concerned as envisaged in section 37(1)(a) of PAIA; and
  - e) May prejudice the Public Protector's future access to similar information held by the institutions concerned, as envisaged in section 37(1)(b) of PAIA (and it is in the public interest that similar information or information from the same sources should continue to be supplied).
5. You are welcome to approach the Office of the Premier, Mpumalanga directly for access to the documents in question.
6. You also requested clarity on the following documents referred to in Report No 10 of 2019/20:
- a) "Proclamation by the Acting President of the Republic of South Africa, dated 08 April 2014" as listed on page 20 paragraph 4.4.1.68 of Report 10 of 2019/ 2020 –

The document is referred to as follows:

*Government Gazette: No 21399 Notice No 41 Regulation 6853, dated 28 July 2000.*

*Proclamation by the Acting President of the Republic Of South Africa No. R. 41, 2000 Executive Ethics Code.*

- b) Whether the document listed as "Handbook for Members of the Executive and Presiding Officers" is in fact the same document as referred to on page 18, paragraph 4.4.2.1 of Report 10 of 2019/ 2020? Whether either or both of the documents are the "Ministerial Handbook, A Handbook for Members of the Executive and Presiding officers as approved by Cabinet 7 February 2007".



Paragraph 4.4.1.2 on page 18 of the Report refers to Chapter 5 of the Ministerial Handbook. The Handbook for Members of the Executive and Presiding Officers is indeed the *Ministerial Handbook, A handbook for Members of the Executive and Presiding officers* as approved by Cabinet on 07 February 2007.

Kind regards



ADV BUSISIWE MKHWEBANE  
PUBLIC PROTECTOR OF THE  
REPUBLIC OF SOUTH AFRICA  
DATE: 21/10/2019



"SF11"



VAT NO: 421 0277 853

397 Central Park Avenue, Lynnwood, Pretoria, 0081  
PostNet Suite 36, Pvt Bag x1 Menlo Park, Pretoria, 0102  
Phone: 060 729 9933 E-Mail: alet@aletuysattorneys.co.za

31 October 2019

Our ref: OL0012

To: Adv Busisiwe Mkhwebane  
The Public Protector of the  
Republic of South Africa  
**Office of the Public Protector South Africa**

C/O: Email ([ephraimk@pprotect.org](mailto:ephraimk@pprotect.org))

CC: Adv Neels van der Merwe  
The Deputy Information Officer  
**Office of the Public Protector South Africa**

Per: Email ([neelsvdm@pprotect.org](mailto:neelsvdm@pprotect.org))

Dear Sir / Madam,

**REQUEST FOR ACCESS TO INFORMATION IN TERMS FOF THE PROMOTION OF  
ACCESS TO INFORMATION ACT, 2000**

1. We refer to the above as well as your letter dated 21 October 2019 ("your letter") and confirm that we act on behalf of the Organisation Undoing Tax Abuse ("OUTA"). Any omission to address any fact reflected in your letter should not be construed as an admission thereof and we accordingly reserve our right to respond to such facts at a later stage.
2. Our client's response to specific paragraphs of your letter is as follows:

**AD PARAGRAPHS 1 TO 3**

3. We note the contents hereof.

**AD PARAGRAPH 4**

4. In terms of section 5 of the Promotion of Access to Information Act, 2000 ("PAIA"), other legislative provisions which prohibits or restricts the records of a public body is specifically excluded from the application of PAIA. In this regard, we submit that your reliance on section 7(2) of the Public Protector Act, 1994 ("the PPA") is unfounded.
5. In turn, section 46 of PAIA specifically states that the information officer of a public body must grant a request for access to a record if such disclosure would reveal evidence of a substantial contravention of or failure to comply with the law and where the public interest clearly outweighs the harm as contemplated, amongst others, certain parts of sections 36 to 38.
6. Given the circumstances, we submit that the records in question would reveal the contravention of, *inter alia*, the Public Finance Management Act, 1999 ("the PFMA"). The conduct of all public institutions is certainly in the public interest, whether such conduct is compliant with legislation or not.
7. Furthermore, and although we acknowledge the fact that a potential conflict may arise between the application of the PPA and the provisions of PAIA, preference given to the application of the former is not in the spirit of "*foster[ing] a culture of transparency and accountability in public and private bodies by giving effect to the right of access to information*" as envisioned in the preamble of PAIA.
8. Accordingly, we submit that the application of section 7(2) of the PPA is superfluous.

**AD PARAGRAPHS 4a)**

9. We submit that the grounds for refusal to our client's request for access to information is frivolous in that the identities of the businesses to which the records in question relate, have already been published in Report 10 of 2019/2020.



10. Furthermore, no specific reference was made in terms of which particular provision of section 36 of PAIA your refusal is based on. It should be noted that the provisions of section 36(1) are mutually exclusive, thus a blanket refusal with mere reference to section 36 is admittedly, insufficient.
11. Considering the generic nature of the refusal, it failed to identify to which particular records the refusal relates to. Effectively, our client is disallowed to address the disclosure of each and every record in the absence of a clearly identified ground for refusal.
12. Moreover, paragraph 4 a) of your letter failed to address the manner and extent as to how disclosure of the records in question *"might cause harm to the commercial or financial interests of the business involved..."*.
13. Based on the above, we accordingly submit that your refusal is arbitrary, unreasonable and procedurally unfair, rendering such refusal in contrast with sections 32 and 33 of the Constitution of the Republic of South Africa, 1996 ("the Constitution"), alternatively *contra* the principle of legality.

**AD PARAGRAPHS 4b)**

14. We submit your reliance on section 38 of PAIA is frivolous in that your refusal failed to state as to how the disclosure of the records in question *"[c]ould reasonably be expected to compromise the safety of an individual or property..."*. In the absence of a reasonable explanation to this effect, we submit that your refusal is arbitrary as our client is disallowed to properly present a counter argument to such ground of refusal.



15. The refusal failed to identify to which particular records the refusal relates to. Effectively, our client is disallowed to address the disclosure of each and every record in the absence of a clearly identified ground for refusal. Considering the nature of the records in question, our client cannot reasonably determine whether disclosure of particular document may potentially cause the harm as envisioned in section 38 of PAIA.
16. Based on the above, we accordingly submit that your refusal is arbitrary, unreasonable and procedurally unfair, rendering such refusal in contrast with sections 32 and 33 of the Constitution, alternatively *contra* the principle of legality.

**AD PARAGRAPH 4d)**

17. We submit that the grounds for refusal in terms of section 37(1)(a) of PAIA are frivolous in that your refusal failed to indicate whether the office of the Public Protector has entered into any confidentiality and/or non-disclosure agreements with third parties.
18. The refusal further failed to identify to which particular records the refusal relates to. Effectively, it is impossible for our client to determine which records are subject to confidentiality. We submit that your refusal is arbitrary as our client is disallowed to properly present a counter argument to such ground of refusal.
19. Based on the above, we accordingly submit that your refusal is arbitrary, unreasonable and procedurally unfair, rendering such refusal in contrast with sections 32 and 33 of the Constitution, alternatively *contra* the principle of legality.

**AD PARAGRAPH 4e)**

20. We submit that the grounds for refusal in terms of section 37(1)(b) of PAIA are frivolous in that your refusal failed to indicate as to how the disclosure of the records in question "*could reasonably be expected to prejudice the future supply of similar information, or information from the same source*" and as per section 37(1)(b)(i).

21. The refusal further failed to identify to which particular records the refusal relates to. Effectively, it is impossible for our client to determine which records are subject to confidentiality. We submit that your refusal is arbitrary as our client is disallowed to properly present a counter argument to such ground of refusal.
22. In any event, we submit that the potential prejudice as proposed by section 37(1)(b) cannot reasonably materialise, considering that in terms of section 7(4)(a) of the PPA, read together with section 182 of the Constitution: "*the Public Protector may direct any person to submit an affidavit or affirmed declaration or to appear before him or her to give evidence or to produce any document in his or her possession or under his or her control which has a bearing on the matter being investigated, and may examine such person.*" [Own emphasis added].
23. Based on the above, we accordingly submit that your refusal is arbitrary, unreasonable and procedurally unfair, rendering such refusal in contrast with sections 32 and 33 of the Constitution and *contra* the principle of legality.

#### AD PARAGRAPH 5

24. We note your advice to approach the office of the Premier, Mpumalanga ("the MEC") directly. However, as the records in question relates to the office of the Premier, Mpumalanga, section 47(1) prescribed that "*the information officer... must take all reasonable steps to inform a third party to whom or which the record relates of the request.*"
25. To date, our client has not been advised on the initiation of any third-party proceedings as prescribed by Chapter 5 of PAIA. In the absence of the relevant third-party procedures, no consideration was given to the provisions of section 48(2) of PAIA that allows for third parties to either make representations as to why certain records should be refused or to give written consent that such records be disclosed.





26. Considering your office's indifference towards such mandatory provisions of PAIA, it effectively presupposes that the MEC would refuse our client's request, which we contend is grossly irregular. Effectively, our client was not granted the opportunity to address any representations and/or consent received from the MEC, as there was no procedure allowing for such recourse in the first place.
27. Based on the above, we accordingly submit that your failure to initiate third party proceedings as contemplated in section 47 of PAIA is arbitrary, grossly irregular and procedurally unfair, rendering such refusal in contrast with sections 32 and 33 of the Constitution, alternatively, *contra* the principle of legality.

**AD PARAGRAPH 6**

28. We note the contents hereof.
29. In the light of the explanation as set out above, we kindly request that your office reconsiders our client's request for access to information.
30. In the absence of an internal appeal procedure, we hold instructions to approach the court for the appropriate relief should we not receive confirmation on the reconsideration of our client's request by close of business, Monday, 4 November 2019.
31. We trust that you find the above in order.

Yours faithfully,



**ALET UYS ATTORNEYS**

BC Slade





"SF12"

**Alet Uys Attorneys**

---

**From:** Neels van der Merwe <Neelsvdm@pprotect.org>  
**Sent:** Tuesday, 05 November 2019 9:12  
**To:** brendan@aletuysattorneys.co.za  
**Cc:** Alfred Mhlongo  
**Subject:** FW: OUTA REQUEST FOR ACCESS TO INFORMATION ITO PAIA - OUR REF: OL0012

Dear Mr Slade

With refernce to our telephone conversation on 4 November 2019 I wish to confirm that your submission of 31 october 2019 is being considered.

Our Senior Manager: Legal Services, Mr Alfred Mhlongo will communicate with you further in this regard. His contact details are:

Mr A Mhlongo  
Senior Manager: Legal Services  
Public Protector South Africa  
[alfredm@pprotect.org](mailto:alfredm@pprotect.org)  
Tel 012 366 7043

Thank you

Rgds

Neels

Neels vd Merwe (Adv)  
Manager: Research and Knowledge Management  
Deputy Information Officer  
Public Protector South Africa  
Tel 012 3667025  
Fax2Email 0865201525



---

**From:** Neels van der Merwe  
**Sent:** Monday, November 4, 2019 11:56 AM  
**To:** Alfred Mhlongo  
**Cc:** Muntu Sithole  
**Subject:** RE: OUTA REQUEST FOR ACCESS TO INFORMATION ITO PAIA - OUR REF: OL0012

Dear Alfred

Would you kindly be able to acknowledge receipt and advise that the representations are being considered, as discussed please?

Rgds

Neels

**From:** Ephraim Kabinde <[Ephraimk@pprotect.org](mailto:Ephraimk@pprotect.org)>  
**Date:** 31 October 2019 at 07:51:01 WAT  
**To:** "Advocate Busisiwe Mkhwebane (Public Protector)" <[MkhwebaneB@pprotect.org](mailto:MkhwebaneB@pprotect.org)>, Sibusiso Nyembe <[SibusisoN@pprotect.org](mailto:SibusisoN@pprotect.org)>  
**Cc:** Neels van der Merwe <[Neelsvdm@pprotect.org](mailto:Neelsvdm@pprotect.org)>, Oupa Segalwe <[oupas@pprotect.org](mailto:oupas@pprotect.org)>  
**Subject:** FW: OUTA REQUEST FOR ACCESS TO INFORMATION ITO PAIA - OUR REF: OL0012

Good Morning

See attached request for information.

Kind Regards  
Ephraim Kabinde  
Personal Assistant-PP  
PUBLIC PROTECTOR SOUTH AFRICA  
175 Lunnon Street, Hillcrest Office Park, PRETORIA 0083  
Tel: 012 366 7108  
Email: [Ephraimk@pprotect.org](mailto:Ephraimk@pprotect.org)

---

**From:** Alet Uys Attorneys [<mailto:brendan@aletuysattorneys.co.za>]  
**Sent:** Thursday, 31 October 2019 08:18  
**To:** Ephraim Kabinde  
**Cc:** Neels van der Merwe  
**Subject:** OUTA REQUEST FOR ACCESS TO INFORMATION ITO PAIA - OUR REF: OL0012

Good day,

1. Kindly find attached hereto a letter for your attention.

Kind Regards

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"SF13"

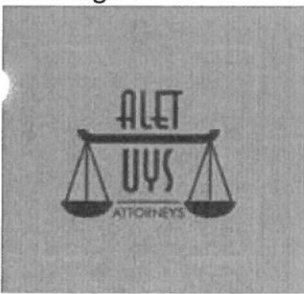
## Alet Uys Attorneys

**From:** Alet Uys Attorneys <brendan@aletuysattorneys.co.za>  
**Sent:** Wednesday, 06 November 2019 7:21  
**To:** 'Neels van der Merwe'  
**Cc:** 'Alfred Mhlongo'  
**Subject:** RE: OUTA REQUEST FOR ACCESS TO INFORMATION ITO PAIA - OUR REF: OL0012

Good day Mr Van der Merwe / Mr Mhlongo,

1. The contents of you email correspondence below is noted.
2. However, kindly take note that should we not receive any formal response from your office by close of business on **8 November 2019**, we hold instructions to approach the court for the appropriate relief.

Kind Regards



**BRENDAN CHARLES SLADE**

Consultant

LLB (UP)



397 Central Park Avenue, Lynnwood, Pretoria, 0081



brendan@aletuysattorneys.co.za



www.aletuysattorneys.co.za



083 298 7520

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**From:** Neels van der Merwe <Neelsvdm@pprotect.org>  
**Sent:** Tuesday, 05 November 2019 9:12 AM  
**To:** brendan@aletuysattorneys.co.za  
**Cc:** Alfred Mhlongo <AlfredM@pprotect.org>  
**Subject:** FW: OUTA REQUEST FOR ACCESS TO INFORMATION ITO PAIA - OUR REF: OL0012

Dear Mr Slade

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Our Senior Manager: Legal Services, Mr Alfred Mhlongo will communicate with you further in this regard. His contact details are:

Mr A Mhlongo  
Senior Manager: Legal Services  
Public Protector South Africa  
[alfredm@pprotect.org](mailto:alfredm@pprotect.org)  
Tel 012 366 7043

Thank you

Rgds

Neels

Neels vd Merwe (Adv)

Manager: Research and Knowledge Management  
Deputy Information Officer  
Public Protector South Africa  
Tel 012 3667025  
Fax2Email 0865201525



---

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**Cc:** Muntu Sithole  
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Rgds

Neels

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**Date:** 31 October 2019 at 07:51:01 WAT  
**To:** "Advocate Busisiwe Mkhwebane (Public Protector)" <[MkhwebaneB@pprotect.org](mailto:MkhwebaneB@pprotect.org)>, Sibusiso Nyembe <[SibusisoN@pprotect.org](mailto:SibusisoN@pprotect.org)>  
**Cc:** Neels van der Merwe <[Neelsvdm@pprotect.org](mailto:Neelsvdm@pprotect.org)>, Oupa Segalwe <[oupas@pprotect.org](mailto:oupas@pprotect.org)>  
**Subject:** FW: OUTA REQUEST FOR ACCESS TO INFORMATION ITO PAIA - OUR REF: OL0012

Good Morning

See attached request for information.

Kind Regards  
Ephraim Kabinde  
Personal Assistant-PP  
PUBLIC PROTECTOR SOUTH AFRICA  
175 Lunnon Street, Hillcrest Office Park, PRETORIA 0083  
Tel: 012 366 7108  
Email: [Ephraimk@pprotect.org](mailto:Ephraimk@pprotect.org)

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Kind Regards

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A handwritten signature in black ink, consisting of several loops and a long tail, located in the bottom right corner of the page.

**4.3 On analysis of the complaint, the following issues were considered and investigated:**

4.3.1 Whether the Office of the Mpumalanga Premier irregularly procured the official vehicles, a BMW X5, Audi A8, Lexus and a Range Rover Vogue, for the former Premier of Mpumalanga Province, Mr David Mabuza; and

4.3.2 Whether the former Premier of Mpumalanga Province, Mr David Mabuza, was involved in the procurement of his official vehicles comprising of the BMW X5, Audi A8, Lexus and a Range Rover Vogue by the Office of the Premier and if so, whether such conduct constitutes a violation of the Executive Ethics Code.

**4.4 The Key Sources of information**

**4.4.1. Documents**

- 4.4.1.1 The initial complaint of the EFF dated 23 January 2014;
- 4.4.1.2 Chapter 5 of the Ministerial Handbook (official vehicles);
- 4.4.1.3 Service tax invoice from Westbank auto, dated 12 November 2012;
- 4.4.1.4 Service estimate from Westbank auto, dated 28 August 2012;
- 4.4.1.5 Service tax invoice from Westbank auto, dated 18 March 2013;
- 4.4.1.6 Volkswagen group SA vehicle history, dated 16 April 2014;
- 4.4.1.7 Motorplan CIA (vehicle information) BMW X5 (2012) FXF308MP, dated 28 September 2012;
- 4.4.1.8 Quotation on the Range Rover 2013;
- 4.4.1.9 Quotation on the Range Rover 2011;
- 4.4.1.10 Account tax invoice, dated 21 June 2011;
- 4.4.1.11 Certification of Registration in respect of motor vehicle, 05 October 2012;
- 4.4.1.12 A letter and quotation for E70 X5 xDrive50i SAV, dated 27 September 2012;
- 4.4.1.13 Office of the Premier – Procurement Request Form, dated 02 October 2012;
- 4.4.1.14 Government Order/ Services, dated 10 January 2012;



- 4.4.1.15 New Vehicle Tax Invoice from Eastview, dated 28 September 2012;
- 4.4.1.16 Creditor Payment Advice ( Purchase of BMW X5), dated 28 September 2012;
- 4.4.1.17 Tax invoice from Autotec, dated 16 August 2013;
- 4.4.1.18 Offer to purchase a Range Rover 2013, dated 29 August 2013;
- 4.4.1.19 Proforma Invoice From Autotec, dated 16 August 2013;
- 4.4.1.20 Office of the Premier - Procurement Request Form, dated 04 September 2013;
- 4.4.1.21 Logis Procurement Integration, dated 09 May 2013;
- 4.4.1.22 Tax Invoice from Autotec, dated 16 August 2013;
- 4.4.1.23 Used Vehicle Appraisal, dated 25 July 2013;
- 4.4.1.24 Logistical Information System call center delivery, dated 05 September 2013;
- 4.4.1.25 Logistical Information System simultaneous receipt and issue voucher, dated 05 September 2013;
- 4.4.1.26 Government order/ Services for Motor Vehicle, dated 05 September 2013;
- 4.4.1.27 Tax invoice from Autotec, dated 16 August 2013;
- 4.4.1.28 Logistical Information System, dated 20 September 2011;
- 4.4.1.29 Logistical information system simultaneous receipt and issue voucher, dated 12 October 2011;
- 4.4.1.30 Motor Transport (Official Vehicle);
- 4.4.1.31 Quotation from Autotec Motor Dealer Group, dated 14 July 2011;
- 4.4.1.32 Request to purchase government vehicle;
- 4.4.1.33 Office of the Premier - Procurement Request Form, Dated 12 September 2011;
- 4.4.1.34 Logistical Information System Procurement Advice, dated 20 September 2011;
- 4.4.1.35 Logis procurement Integration, dated 20 September 2011;
- 4.4.1.36 Government Order/ Service 20 September 2011;
- 4.4.1.37 Tax Invoice from Autotec, dated 30 September 2011;
- 4.4.1.38 Creditor Payment Advice ( Purchasing of Range Rover) 30 September 2011;
- 4.4.1.39 Logistical Information System Cost Centre Deliveries, dated 26 April 2013;
- 4.4.1.40 Logistical Information System Simultaneous Receipt And Issue Voucher, dated 26 April 2013;
- 4.4.1.41 Logis procurement Integration, dated 05 March 2013;
- 4.4.1.42 Quotation from Audi Special Markets Consultant, dated 20 February 2013;



- 4.4.1.43 Procurement Request Form, dated 08 March 2013;
- 4.4.1.44 Logistical Information Procurement Advice, dated 26 April 2013;
- 4.4.1.45 Logis procurement Integration, dated 26 April 2013;
- 4.4.1.46 Government order/ Service, dated 25 April 2013;
- 4.4.1.47 Vat Vendor Research, dated 13 May 2013;
- 4.4.1.48 Account Statement from Volkswagen of South Africa, dated 01 April 2013;
- 4.4.1.49 Tax Invoice from Volkswagen of South Africa, date 31 March 2013;
- 4.4.1.50 Creditor payment advice for Audi, dated 10 May 2013;
- 4.4.1.51 Delivery note to my office, dated 23 April 2014;
- 4.4.1.52 Logistical Information System Cost Centre Deliveries, dated 26 April 2013;
- 4.4.1.53 Logis procurement Integration, dated 05 March 2013;
- 4.4.1.54 Quotation from Audi Special Markets Consultants, date 20 February 2013;
- 4.4.1.55 Office of the Premier- Procurement Request Form, Dated 05 March 2013;
- 4.4.1.56 Logistical Information System Procurement Advice, dated 26 April 2013;
- 4.4.1.57 Logis procurement Integration, dated 26 April 2013;
- 4.4.1.58 Government order/ Service, dated 03 May 2013;
- 4.4.1.59 Account Statement from Volkswagen, dated 07 May 2013;
- 4.4.1.60 Tax invoice from Volkswagen, dated 01 May 2013;
- 4.4.1.61 Creditor payment advice, dated 21 May 2013;
- 4.4.1.62 Report on the investigation;
- 4.4.1.63 Newspaper article on "*Mpumalanga Premier defends R5m Spent on Cars*" article, dated 10 January 2014;
- 4.4.1.64 *City Press* newspaper article, dated 14 March 2014 ;
- 4.4.1.65 *City Press* newspaper article, dated 23 January 2014;
- 4.4.1.66 Statement on the Cabinet meeting of 23 October 2013;
- 4.4.1.67 Media statement on the former Premier's state vehicles, dated 10 January 2014;
- 4.4.1.68 Proclamation by the Acting President of the Republic of South Africa, dated 08 April 2014;
- 4.4.1.69 Handbook for Members of the Executive and Presiding Officers;
- 4.4.1.70 Vehicle Kilometer Readings as at 17 April 2014;







- 4.4.1.71 Request for information on utilised vehicles by the Premier for Mpumalanga, from Head of Protection and Security, dated 10 April 2014;
- 4.4.1.72 Request to purchase a backup car for executive authority by Ms Ally, dated 28 September 2012;
- 4.4.1.73 Request to utilise one of the pool cars as a backup car for the executive authority by Ms Ally, dated 11 July 2011;
- 4.4.1.74 Document on the replacement of vehicles: SAPS VIP protection services for the Premier from Director General JM Rabodila, dated 20 June 2011;
- 4.4.1.75 Request letter for information on vehicles utilised by the Premier of Mpumalanga from NS Rasivhetshela, dated 10 April 2014;
- 4.4.1.76 Memorandum on the request to purchase a backup car for the authority from Ms Ally, dated 28 September 2012;
- 4.4.1.77 Request letter to Standard Bank for Credit Transfer, dated 10 September 2013;
- 4.4.1.78 A letter on the procurement of a pool vehicle for the Office of the Premier from Ms Nkamba, dated 24 August 2013;
- 4.4.1.79 A letter on the purchase of Range Rover Vogue Super Charge AB -1X2013 from Dr Mkhize, dated 29 August 2013;
- 4.4.1.80 Procurement of a pool vehicle for the office from Dr Mkhize, dated 23 August 2013;
- 4.4.1.81 A document from the SAPS to the Office of the Premier on the request for information on vehicles used by the Premier, dated 10 April 2014;
- 4.4.1.82 Memorandum on the request for deviation from RT57 contract in the procurement of MG vehicle from KJ Dlamini, dated 19 August 2013;

#### **4.4.2. Meetings held**

- 4.4.2.1 A meeting with the Acting Director-General in the Office of the Premier held on 08 October 2018; and
- 4.4.2.2 A meeting held between my office and Dr Mkhize on 27 September 2017;

A handwritten signature in black ink, located at the bottom right of the page.