

Date : 26<sup>th</sup> February 2018  
To : The President of Republic of South Africa  
President Cyril Ramaphosa  
By email : [president@presidency.gov.za](mailto:president@presidency.gov.za)  
Re : Request to hold Minister Bathabile Dlamini to account.

The Organization Undoing Tax Abuse (OUTA) is a proudly South African non-profit Civil Action organization formed to hold those in public office accountable and is funded and supported by ordinary people who are passionate about improving the prosperity of our nation.

OUTA hereby request that your Excellency act decisively against Minister Bathabile Dlamini to protect the country's citizens from her irrational and irresponsible actions as we are gravely concerned about the continuous manipulation of the social grants system by her, her department and SASSA.

The Constitutional Court in 2014 ruled that the contract SASSA signed with CPS in 2012 was illegal and invalid. She has continuously flouted the Constitutional Court Order to establish an inhouse system to disburse grants and to work with SAPO, another state-owned entity. In fact, SASSA has now applied to the Con Court for this illegal contract to be extended by "at least" a further six months to September 2018.

In the "SASSA progress report on the implementation of Constitutional Court Order Social Development 14 February 2018", presented to SCOPA, the Oversight Body appointed by parliament is scathing in its questions, assessment and remarks regarding SASSA's conduct in this regard. I attach a copy of this report for ease of reference.

Quoted from the report, *"The Committee needed to know what type of application SASSA had made, what the content was of that application, and how SASSA had intended taking the Committee onboard. What had led to the application and the issues of SAPO being ready, and the Committee not being informed about? That was the gist of the discussions and not the detailed document that had been presented. The question of SAPO's readiness was an important one. The Portfolio Committee Members were the ones to whom SASSA reported. SASSA and the Department of Social Development accounted to the Portfolio Committee on Social Development. It*

*was the obligation of the Committee to ensure that SASSA complied with court prescriptions. If it was not possible for SASSA to comply, the Committee had to be made aware that SASSA was developing other strategies.”* This clearly did not occur. SASSA and the DSD are a law unto themselves.

In April 2014, the court suspended the order of invalidity until March 31, 2017, to allow the department and SASSA to insource the administrative requirements from a new agreement. However, because the nature of the contract was invalid, it had to deviate from normal bidding processes and this was something that Treasury was not prepared to do unless the Constitutional Court approved.

An inter-ministerial task team set up by President Jacob Zuma met and subsequently rejected the two-year deal. It preferred that negotiations start over, if and when Treasury gave it prior written approval for the deal's violations of premature rules.

Despite concerns raised by SCOPA, questions and concerns raised by the Oversight body and orders from the Constitutional Court, Dlamini has continues to ignore all, thus creating an opportunity to keep CPS in the game, ultimately now requesting a further extension to the invalid and illegal contract.

South Africa cannot afford not to pay grants; and it is this very need of the vulnerable that she is exploiting.

Mr. President, Bathabile Dlamini needs to be held accountable for the failure of her Department. Further to this, she needs to be held personally liable for the legal costs incurred in the social grants matter at the Constitutional Court and be fired from her position, which she has only used for personal gain, on the back of the most vulnerable citizens of South Africa.

OUTA requests that she is subjected to the ethics committee process and a Parliamentary enquiry is immediately set up to investigate how and why Minister Dlamini has been allowed to disregard the highest law in the land. More importantly to ensure that the disbursement of grants is not conducted by CPS from 1<sup>st</sup> April 2018 as ordered by the constitutional Court.

It is not clear why there are conflicting reports between SASSA and SAPO, with SAPO saying they are ready and SASSA stating they are not.

Because of the urgency of the matter and the issue being of public interest, particularly the most vulnerable of our society, we respectfully request that you respond to this matter by the 15<sup>th</sup> March 2018.

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