

**Hurter Spies Incorporated**  
Reg. no. 2008/009761/21  
Attorneys/Notaries/Conveyancers

**Pretoria-offices:**

Second Floor, Block A, Loftus Park  
416 Kirkness street, Arcadia  
Pretoria, 0007

**Centurion-offices:**

54 Union Avenue (c/o Union Avenue & Kort street)  
Kloofsig, Centurion, 0158

P O Box 14505

0140 Lyttelton

Tel : 012 941 9239

Fax : 012 644 1997

e-mail : [admin@hurterspies.co.za](mailto:admin@hurterspies.co.za)

Internet : [www.hurterspies.co.za](http://www.hurterspies.co.za)

**Our ref. DJ Eloff**

**Your ref.**

28 March 2022

**SOUTH AFRICAN REVENUE SERVICE**

299 Bronkhorst Street  
Brooklyn  
Pretoria, 0181.

**By e-mail:** [ooeregistration@sars.gov.za](mailto:ooeregistration@sars.gov.za) ; [paia@sars.gov.za](mailto:paia@sars.gov.za)

Dear Sirs/Madams,

**RE: AFRIFORUM NPC // SOUTH AFRICAN REVENUE SERVICE – REQUEST FOR ACCESS  
TO INFORMATION *IN RE* FAILURE BY AFRICAN NATIONAL CONGRESS TO PAY TAX**

1. We act on behalf of AfriForum NPC (hereafter referred to as “our client”). Our client is a registered non-profit and civil rights organisation with more than 300 000 members across the Republic. Kindly see attached the special power of attorney given by our client (**Annexure A**).
2. This letter is addressed to the South African Revenue Service (SARS), and more specifically the PAIA Information officer and/or Deputy Information Officer of SARS.
3. The reason for this request is to ascertain the tax standing and historical tax record of the African National Congress (ANC), as well as collection efforts by SARS regarding the ANC’s estimated R100 million in outstanding income tax payments, as per several media reports.

---

Directors: WD Spies B Com LLB MBA (UP); JP Voges LLB (Unisa); DJ Eloff LLB LLM (UP);

Associates: M van Schalkwyk LLB (UJ); HE Swan-Schutte B Proc LLB LLM (UP)

Consultants: JJ Hurter Dip Proc (UP); J du Toit Böning B Tech (TUT), BA LLB LLM (Unisa)

Acting as caretaker of the former practice of: LT Pretorius Attorneys

## **PARTICULARS OF PERSON REQUESTING ACCESS TO INFORMATION**

4. Herewith the full details as requested:

- 4.1. Name: AfriForum NPC
- 4.2. Registration number: 2005/042861/08
- 4.3. Address: 58 Union Avenue, Kloofsig, Pretoria ; Care of Hurter Spies Inc - Block A, Floor 2, Loftus Park, 416 Kirkness Street, Arcadia, Pretoria.

## **REASON FOR REQUEST AND PARTICULARS OF INFORMATION REQUESTED**

5. The purpose of this letter and our client's request for access to information is to shed light on the situation as laid out above. For further clarity, we have attached hereto (marked **Annexure B**) correspondence sent to yourselves by our client in respect of the same queries, which must be read together with this request. Despite the correspondence having been sent in September 2021, no response has been forthcoming up to date of writing hereof.
6. In light of this, we kindly request on behalf of our client and in terms of Section 18(1) of PAIA, to be furnished with the following information and/or records:
- 6.1. The tax records and returns for the ANC from the year 1994 to today.
  - 6.2. The full amount in arrears, if any, which is due and payable by the ANC to SARS.
  - 6.3. An indication of the steps taken by SARS to collect this outstanding amount from the ANC.
  - 6.4. If SARS has not yet taken formal steps, kindly provide reasons for the failure to do so.
  - 6.5. Provide an indication of whether the African National Congress enjoys preferential treatment in tax collection matters, and if so, what the legal and rational basis for such treatment is.

## **FEES AND INFORMATION OF DECISION**

6. We look forward to receiving your response and to be informed of the decision regarding the above-mentioned request via email at the following addresses:

[eloff@hurterspies.co.za](mailto:eloff@hurterspies.co.za)

[ck@hurterspies.co.za](mailto:ck@hurterspies.co.za)

[johann@hurterspies.co.za](mailto:johann@hurterspies.co.za)

7. Kindly see attached as **Annexure C** the signed and completed Form A.
8. Moreover, kindly inform us of what the bank account details of your PAIA Department is in order for our client to pay the prescribed fee as required. Also inform us of the amount due and the reference to be used for correctly allocating the payment on your system.
9. We look forward to hearing from you in this regard.

Yours faithfully,

A handwritten signature in black ink, appearing to read "DJ Eloff". The signature is written in a cursive style with a large, looped initial "D".

---

**HURTER SPIES INC**

Per. DJ Eloff

**SPECIAL POWER OF ATTORNEY**

I, the undersigned

MONIQUE TAUTE

Identity number: 9202140073084

in my capacity as Head: Campaigns of AfriForum NPC (Registration number: 2005/042861/08) and duly authorised thereto with chosen *domicilium citandi et executandi* at 58 Union Avenue, Kloofsig, Centurion, Pretoria, 0157.

Do hereby nominate, constitute and appoint:

Do hereby nominate, constitute, and appoint **CK VAN NIEKERK** and/or **DANIËL ELOFF**, from **HURTER SPIES INCORPORATED**, to be my true and lawful attorney of record to request access to any records held by the African National Congress, the South African Revenue Service and any other relevant body as the case may be in terms of the Promotion of Access to Information Act, 2000 on my behalf.

**AND** in my place and stead to sign the application form for the request for access to records and all other documents necessary in connection with any such action or proceedings;

**AND** to appear and represent me in any court and before all judicial or other offices whomsoever as the agent shall consider advisable;

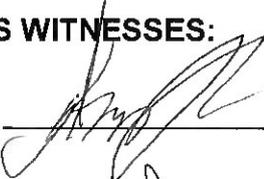
When necessary, to employ and pay attorneys and counsel to conduct any such action or proceedings;

Generally for effecting the purposes aforesaid, to do and cause to be done whatsoever shall be requisite as fully and effectually for all intents and purposes as I might or could do if personally present and acting herein;

**AND** I hereby ratify and agree to ratify all and whatsoever the agent shall lawfully do or cause to be done by virtue of these presents.

DATED at Centurion on this 24 day of March 2022

**AS WITNESSES:**

- 1.   
\_\_\_\_\_
- 2.   
\_\_\_\_\_

  
\_\_\_\_\_  
Monique Taute

16 September 2021

Mr. Edward Kieswetter  
Commissioner: SARS  
Lehae la Sars Building  
299 Bronkhorst Street  
BROOKLYN  
0181

Delivered by email: [contactus@sars.gov.za](mailto:contactus@sars.gov.za)

Dear Mr Kieswetter

### **ANC TAX DEBT COLLECTION**

As you are aware, AfriForum is a civil rights organisation with more than 293 000 members. As an organisation and on behalf of the members whom we represent, we are concerned about collection efforts regarding the African National Congress's estimated R100 million in outstanding income tax payments.

According to media reports income tax was deducted from ANC employees' salaries, but these were never paid over to SARS. According to the reports, this has been ongoing since 2018.

It is very concerning that it seems as if the ANC is enjoying preferential treatment in this matter. In light of these serious concerns, kindly provide answers to the following questions:

1. Which steps did SARS take to collect this outstanding amount from the African National Congress?
2. If SARS has not yet taken formal steps, please explain why not.
3. Does the African National Congress enjoy preferential treatment in this matter?

Thank you very much.

Yours sincerely



**Jacques Broodryk**  
**Manager: Campaigns**  
**AfriForum**  
**Cell: 072 560 2898**  
**Email: [jacques.broodryk@afriforum.co.za](mailto:jacques.broodryk@afriforum.co.za)**

**Address:** 58 Union Avenue, Kloofsig, Centurion • **Postal address:** P.O. Box 17216, LYTTTELTON, 0140 • **Tel.:** 086 10 200 30 • **Fax:** 012 664 1281

**Member Affairs - Fax:** 012 664 0342 • **Email:** [afriforum@afriforum.co.za](mailto:afriforum@afriforum.co.za) • **Directors:** Ms A. Bailey, Mr P.J.W. Buys, Mr F.J.D. de Klerk, Mr G.R. de Vries, Prof. D.P. Goosen, Dr D.J. Hermann, Mr C.M. Kriel, Rev. D. Laufs, Prof. J.J. Malan and Mr W.J. Nel • **Company Secretary:** Mr N.H. Arnold

• **Registration number:** 2005/042861/08 • **NGO number:** 054 - 590

## ANNEXURE 1

## FORM A

## REQUEST FOR ACCESS TO RECORD OF SARS

(Section 18(1) of the Promotion of Access to Information Act, 2000 (Act No. 2 of 2000))

## A. Particulars of SARS

The name and postal or physical address, fax number or e-mail address of the Information Officer or Deputy Information Officer must be stated below.

Attention:

Information Officer/Deputy Information Officer: SARS

Information Officer	Deputy - information Officer
00c.registration@sars.gov.za	Oscar Masito
299 Bronkhorst Street, Pta	paia@sars.gov.za
	271 Bronkhorst Street, Pta

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

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

Full name(s) and surname:

Hurter Spies Inc  
 - Daniel Jakobus Eloff

Postal address:

Floor 2, Block A, Loftus Park  
 416 Kirkness Street, Arcadia,  
 Pretoria, 0083

Telephone number:

Tel: 012 941 9239

Fax number:

eloff@hurterspies.co.za ;

E-mail address:

ck@hurterspies.co.za

Capacity in which the request is made, together with proof of such capacity, when made on behalf of another person:

Attorney of record. See attached  
 power of attorney

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

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

Full name(s) and surname:

AfriForum NPC

Identity/company number:

2005/062861/08

**D. Particulars of record**

- (a) SARS must deny a request for a record if it contains information that SARS holds or has obtained for the purposes of enforcing revenue legislation, unless that information is about or relates to you or the person that you represent.
- (b) Provide full particulars of the record to which access is requested, including the reference number if it is known to you, to enable the record to be located.
- (c) If the provided space is inadequate please continue on a separate page and attach it to this form. **You must sign all the additional pages.**

Description of record or relevant part of the record:

See attached letter

Reference number, if available:

N/A

Any further particulars of record:

See attached letter

**E. Fees**

- (a) A request for access to a record, other than a record containing personal information about yourself, will only be processed after a **request fee** has been paid.
- (b) The request fee is R35.00.
- (c) The **access fee** payable for access to a record depends on the form in which access is required and the reasonable time required to search for and prepare a record.
- (d) If you believe that you qualify for exemption from the payment of the prescribed fee, please state the reason for your belief.

Reason for exemption:

N/A

**F. Form of access to record**

Mark the appropriate box with an "X".

(a) Your indication as to the required form of access depends on the form in which the record is available.

(b) Access in the form requested may be refused in certain circumstances. In such a case you will be informed if access will be granted in another form.

(c) The fee payable for access to the record, if any, will be determined partly by the form in which access is requested.

If you are prevented by a disability from reading, viewing or listening to the record in a form provided for in 1 to 4 below, state your disability and indicate in which form the record is required.

Disability:  N/A	Form in which record is required:  N/A
------------------------	--

**1. If the record is in written or printed form –**

<input checked="" type="checkbox"/> copy of record*	<input type="checkbox"/> inspection of record
---	---

**2. If record consists of visual images –**

(including photographs, slides, video recordings, computer-generated images, sketches etc.)

<input type="checkbox"/> view the images	<input checked="" type="checkbox"/> copy of the images*	<input type="checkbox"/> transcription of the images*
--	---	---

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

<input checked="" type="checkbox"/> listen to the soundtrack (audio cassette)	<input checked="" type="checkbox"/> transcription of soundtrack* (written or printed document)
---	--

**4. If record is held on computer or in an electronic or machine-readable form –**

<input type="checkbox"/> printed copy of record*	<input type="checkbox"/> printed copy of information derived from the record*	<input checked="" type="checkbox"/> copy in computer readable form* (stiffy or compact disc)
--	---	--

* If you are requesting a copy or transcription of a record above, do you wish the copy or transcription to be posted to you? <b>A postal fee is payable.</b>	YES	NO <input checked="" type="checkbox"/>
---	-----	---

In which language would you prefer the record? English

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.

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

You will be notified in writing, at the address or fax number provided in Part B, whether your request has been approved or denied.

If you also wish to be informed in another manner, please specify the manner and provide the necessary particulars to enable compliance with your request.

