



# FAIR PLAY



9 YEARS OF  
FAIRNESS

2013 - 2022



## #TaxpayersRightsMatter

# CELEBRATING NINE YEARS OF FAIRNESS

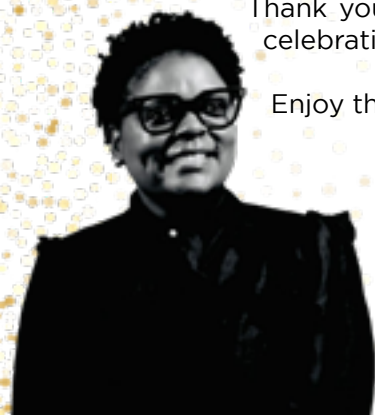
Nine years have passed in a flash and the Fair Play editorial team is grateful to have been part of the Office of the Tax Ombud's success over the years.

With the support of stakeholders at large, the OTO has positioned itself as a brand that promotes a fair tax administration system, with taxpayers' rights at the centre of our brand promise.

Thank you for being part of our milestones over the past nine years. We look forward to celebrating many more years of promoting fairness.

Enjoy the read!

**9 YEARS OF FAIRNESS**  
**2013 - 2022**



**Pearl Seopela**  
Senior Manager: Communications and  
Stakeholder Relations

## TRUST AND TAXPAYERS' RIGHTS ARE KEY THEMES OF OUR FIRST 9 YEARS

We have had challenges over the years but also many successes, says Tax Ombud, Judge Bernard Makgabo Ngoepe.

**Page 3**



## A FRUITFUL 2021/22 FINANCIAL YEAR

Despite COVID-19 restrictions and other challenges facing private and public sector institutions in the 2021/22 financial year, the OTO had a reasonably successful year.

**Page 5**

## TAX OMBUD MILESTONES SINCE ESTABLISHMENT

Let's take you down memory lane, all the way back to the establishment of the Office of the Tax Ombud on 1 October 2013.

**Page 6**

## TAXPAYERS SPEAK UP ON OTO SERVICE

The Tax Ombud strives to offer taxpayers a remarkable experience when they interact with the Office and its people.

**Page 8**



# TRUST AND TAXPAYERS' RIGHTS ARE KEY THEMES OF OUR FIRST 9 YEARS

**Judge Bernard  
Makgabo Ngoepe**  
Tax Ombud



It is a great honour to be presenting the ninth Tax Ombud Annual Report, which also corresponds with my ninth anniversary in October 2022 as the head of this vital institution, formed almost a decade ago to serve the taxpayers of South Africa. I am also pleased that the Office received an unqualified audit conclusion.

### Strategic overview and performance

Since the inception of this Office, we have been single-minded in our commitment to helping improve the South African tax administration system and providing a free and fair avenue for resolving taxpayers' complaints against the South African Revenue Service (SARS). While we have succeeded in recovering millions of rands in refunds owing to taxpayers and safeguarded the rights of thousands more, we know there is still much work to be done in promoting taxpayer rights and compliance. In this, we are encouraged by the confirmation we receive from our stakeholders, including taxpayers, the media and tax practitioners, that we have had an impact in increasing awareness about taxpayer rights and protecting those rights, thus enhancing public trust in the tax system. It is also encouraging that our Government has noted our efforts to hold the revenue collector accountable and ensure taxpayers' rights are protected.

A significant milestone in the reporting period was the finalisation of the Compilation of Taxpayers' Rights, Entitlements and Obligations, which is a practical tool for promoting awareness about taxpayers' rights and obligations. We have been spreading the message about the Compilation through our #TaxpayersRightsMatter campaign, using social media, online channels and even popular television dramas to reach our stakeholders.

### Strategic relationships with stakeholders

We have been fortunate that, over the years, the Office has enjoyed a strong and reciprocal relationship with our stakeholders, who have supported us in many initiatives and engagements that have benefited taxpayers and the country's tax administration system. Some of these partnerships have been formalised with memoranda of understanding (MoU), and we are preparing to formalise more such partnerships, aligned with our stakeholder engagement framework. We also have great appreciation for the media, whose support has been instrumental in helping us promote awareness about the Office, the services we provide and our free and fair complaint resolution services.

### Challenges faced by the Tax Ombud

Despite the disruptions brought about by the COVID-19 pandemic, we continued assisting taxpayers, using remote working technologies to do so and adhering to all Government's health and safety measures. While some of our employees contracted the Coronavirus, no one succumbed to it. Other institutions were not so fortunate and we convey our condolences.

### Strategic focus over the medium to long-term period

To say we have pestered the powers that be with our call for a structurally independent OTO might be an understatement. Since our inception, we have continually called for structural independence from SARS and engaged stakeholders on the matter. We are grateful that in the past financial year, we had a fruitful engagement with the Finance Minister, Mr Enoch Godongwana, who has shown interest in the matter of our independence from SARS. We trust that he will ensure the implementation of our intent to move the process and discussions forward.

### Improving access to our services

Technology has shown its value during the pandemic period and continues to do so. We have embraced digitisation and supporting technology to improve access to our services and simplify the complaints process. We are closer to being paperless, having finalised the infrastructure for taxpayers to lodge complaints directly online, including on their mobile devices, without having to print forms and sign them. With the revamped website and new employee intranet platform, I am pleased that we are proving to be a digitally and technologically astute institution, able to serve taxpayers' needs with the click of a button.

### Conclusion

In closing, I extend my gratitude to all OTO employees whose hard work has enabled the institution to continue assisting taxpayers with their complaints throughout the pandemic period. I also wish to express appreciation to the Minister of Finance, Parliamentarians, the SARS Commissioner and our internal and external stakeholders for their continued support.



## THE TAX OMBUD HAS DONE A FINE JOB OF PROTECTING TAXPAYER RIGHTS WHILE **PROMOTING TAX COMPLIANCE**

Honourable **Enoch Godongwana, MP**

As a country, we look to institutions such as the Office of the Tax Ombud to provide leadership in the promotion and protection of taxpayer rights, thereby increasing confidence in South Africa's tax administration system. In October 2022, the OTO will have performed this role for nine years.

The Office has highlighted this issue of taxpayers' rights in its Compilation of Taxpayers' Rights, Entitlements and Obligations. This is a collation of some of the nation's constitutionally guaranteed rights, tax legislation and SARS practices as they relate to the protections taxpayers enjoy in their interactions with the revenue collector. The publication of this guide in six languages, and the education that goes with it, means that taxpayers and the industry have a useful reference when dealing with tax matters.

This year, as the COVID-19 public health measures were gradually withdrawn, the OTO expanded the options taxpayers have for interacting with the organisation, thereby making its services ever more accessible and convenient.

Additionally, the Office has taken significant steps toward strengthening its independence from SARS, having instituted several governance measures to ensure that it is ready and on a solid governance footing for the next steps in its evolution. It is important to emphasise that, under the leadership of the Tax Ombud, the OTO and SARS have established an efficient working relationship, which benefits all South African taxpayers.

Lastly, I would like to thank the Tax Ombud, Judge Bernard Makgabo Ngoepe, for his stewardship of the OTO, and express appreciation to all staff at the Office for their dedicated public service. It is through the efforts of the OTO that we are ensuring a fair tax administration system for all.

*Extract from the Tax Ombud's Annual Report 2021/22.*

## IT'S BEEN A **TEAM EFFORT** SAYS CEO

The Office is celebrating nine years of ensuring fairness and making a difference in the lives of taxpayers who have complaints about the South African Revenue Service (SARS). Through the years, we have enjoyed the support and goodwill of a wide range of stakeholders, including Parliamentarians, who believe our oversight role has helped improve the service of the revenue collector.

We would not be where we are today had it not been for the commitment, professionalism and hard work of Team OTO and the valuable contributions of numerous stakeholders, including Recognised Controlling Bodies, media, academia and taxpayers.

Thank you to all stakeholders who have supported the OTO over the years. We are committed to providing exemplary service for the next nine years and beyond.



**Prof. Thabo Legwaila**  
Chief Executive Officer

# A FRUITFUL 2021/22 FINANCIAL YEAR

Despite COVID-19 restrictions and other challenges facing private and public sector institutions in the 2021/22 financial year, the OTO had a reasonably successful year, achieving an unqualified audit on performance information, as well as the highlights below.



The Office resolved **1 561** accepted complaints.



The Office **compiled and approved** the Compilation of Taxpayers' Rights, Entitlements and Obligations.



The collective value of the top 10 refunds paid to taxpayers amounted to **R215 734 320.09**.



SARS implemented **98%** of the OTO's recommendations.



The Office received coverage on **46** radio stations.



**17 249 contacts** were received, consisting of 13 284 queries and 3 965 complaints.



The OTO's website was **upgraded** and an internal workspace (intranet) was developed.



The OTO reached **15 950 960 television viewers** through Digital Brand Integration.



The OTO's media engagements generated an estimated **R8 390 000** of public relations value.



**13 788 000 radio listeners** were reached.



The OTO's #TaxpayersRightsMatter campaign reached **1,7 million** social media users.



The Office engaged **40 institutions** on various tax-related subjects.

# TAX OMBUD MILESTONES SINCE ESTABLISHMENT

Let's take you down memory lane, all the way back to the establishment of the Office of the Tax Ombud on 1 October 2013.

## 2013

On October 1, Judge Bernard Makgabo Ngoepe is appointed as South Africa's first Tax Ombud.

On 16 October, the Office receives its first taxpayer complaint against SARS and resolves it within 10 working days.

On 1 December, the OTO appointed its first Chief Executive Officer.

## 2014

The OTO is officially launched in April by the then Minister of Finance, Pravin Gordhan, and publishes its first Annual Report for tabling in Parliament. The report covered the activities of the first six months of its existence to the end of the fiscal year on 31 March 2014.

First formal appointment of core and support staff commences.

## 2015

The OTO undergoes major rebranding with the launch of a new corporate identity and a user-friendly website catering to the growing needs of taxpayers.

The OTO also publishes the first Tax Ombud Annual Performance Plan and Strategic Plan for the National Treasury to table in Parliament.

The OTO relocates from offices in Hatfield in December to Menlyn.

## 2016

The Tax Ombud successfully advocates for changes to legislation to improve its structure and extend the term of office of a Tax Ombud from three to five years.

The OTO transforms its complaints management system from a manual system to an automated complaints management system on 31 March.

## 2017

The OTO conducts its first-ever systemic investigation and issues a comprehensive report into alleged delayed payment of refunds by SARS. The report found the revenue collector wanting in many aspects.

# 2018

National Treasury grants the Tax Ombud permission to investigate the Pay as You Earn (PAYE) statement of accounts and SARS' non-adherence to dispute resolution timeframes. This was the second systemic issue investigation initiated by the OTO.

# 2019

The Tax Ombud signs two memoranda of understanding, one with the Office of the Public Protector, formalising cooperation between the two institutions when dealing with taxpayer complaints about SARS, and another with the revenue collector to foster collaboration between the two institutions on matters of mutual interest.

# 2020

The OTO hosts a successful stakeholder discussion and receives overwhelming support from taxpayers, tax practitioners, academia and Recognised Controlling Bodies for its continued call for structural independence from SARS.

The Office appoints its second Chief Executive Officer, Professor Thabo Legwaila.

# 2021

The OTO publishes its first-ever Tax Ombud Annual Report 2020/21 containing performance information audited by the Auditor-General of South Africa.

The OTO establishes an independent Audit and Risk Committee to oversee performance information reporting on risks, internal controls and risk management within the institution.

The Office has grown to over 40 employees from the initial two who started on 1 October 2013.

# 2022

The OTO receives an unqualified audit opinion from the AGSA.

The first Compilation of Taxpayers' Rights, Entitlements and Obligations is published, a major boost in promoting taxpayer rights awareness in South Africa.

The OTO continues to embrace digitisation and customer centricity by introducing an intranet for employees and a revamped website allowing taxpayers to digitally lodge tax complaints with the click of a button.



# TAXPAYERS SPEAK UP ON OTO SERVICE

The Tax Ombud strives to offer taxpayers a remarkable experience when they interact with the Office and its people. Below are some of the comments the Office has received after assisting taxpayers with their complaints.



“Thank you so much for this finalisation letter – I also did keep an eye out on the statement of account and when the refund was made, I did confirm with the client that the money was received. **Thank you so very much for your incredible service in resolving this issue in protecting the taxpayer’s rights.**”

“Thank you for your response. I would like to inform you that SARS has paid out my refund today.

**Thank you again that you were willing to assist, but the pay-out is sorted.”**



“I would like to thank you for your assistance in getting my case resolved. I deeply appreciate your support. **Once again, thank you very much.**”







“I am extremely satisfied with your service. You managed to solve what I could not achieve in years. My sincere appreciation and gratitude. When I received the letter from SARS, **I called your office to share my pure joy and compliment you on what you have done.**”

“I have had no help or hope with my tax issue, and no one could assist me, explain to me or guide me in the right direction as to what to do; even SARS workers failed.

I spoke to a patient, kind, well-skilled good listener, and very helpful chap. He knows his job; Obedient is his name. He is a champion consultant, and I wish we could have more such great consultants. **Keep up the great work.** I'm so relieved I spoke to him.”



“I am writing to say thank you for your assistance over the past few months with several complaints I had against SARS for which you ruled in my favour. I received notification this morning that **SARS has paid the final refund due to me.**

**So, at last, my tax affairs are all up to date.”**





“My case has been finalised and I want to thank you and your Office for their assistance. It was quite a surprise to find there are capable people and institutions **willing to assist the voiceless, without financial gain.**”

“We truly appreciate the good work the OTO did in resolving this matter. The taxpayer is very happy that the interest has been paid out to them and by default my manager also.

**We have given a 4 out of 4 rating for satisfaction.”**



“I would like to thank you for your prompt assistance with my SARS complaints. I have no words to show my gratitude regarding your professionalism and prompt assistance on the matter.

**I rate you 4.9/5 for your excellent service.”**

*Note: Taxpayers' details withheld for confidentiality purposes. Stock images have been used to illustrate genuine taxpayer feedback.*

#### Notice

This is a quarterly newsletter that is published every three months. We urge our readers and stakeholders to contribute (in the form of articles, important announcements, opinion pieces or letters to the editor) on any matter concerning this Office or tax issues. Your contributions should be emailed to [PSeopela@taxombud.gov.za](mailto:PSeopela@taxombud.gov.za) or [Communications@taxombud.gov.za](mailto:Communications@taxombud.gov.za).

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