

COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA
Gauteng Local Division, Johannesburg

CASE NO: **2025-092906**

In the matter between:

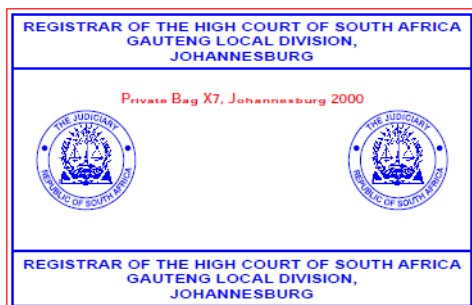
ORGANISATION UNDOING TAX ABUSE NPC Plaintiff / Applicant / Appellant

and

CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY, THE MUNICIPAL MANAGER CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY, THE EXECUTIVE MAYOR CITY OF JOHANNESBURG METROPOLITAN MUNICIPALITY Defendant / Respondent

Annexure 04

NOTE: This document was filed electronically by the Registrar on 18/6/2025 at 4:21:13 PM South African Standard Time (SAST). The time and date the document was filed by the party is presented on the header of each page of this document.



ELECTRONICALLY SIGNED BY:

**Registrar of High Court , Gauteng
Local Division, Johannesburg**



Building 4, Bos'nruin Village Office Park
Cnr President Fouché & Hawtzen Road
Bromhof, 2188
Tel: 087 170 0639
Email: info@outa.co.za

"FA4"

28 March 2025

To: Honourable Councillor Adolph Marema
The Honourable Chairperson: Chair of Chairpersons
Per: Email: maremaalu@gmail.com

To: Honourable Councillor Sarah Wissler
The Honourable Chairperson: Public Safety Committee
Per: Email: sarah@actionsa.org.za

CC: Honourable Councillor Nobuhle Mthembu
The Honourable Speaker: Council of the City of Johannesburg
Municipality
C/O: Email: FundiswaS@joburg.org.za



Dear Honourable members,

**OUTA COMPLAINT AGAINST THE CITY OF JOHANNESBURG'S NEWLY
PUBLISHED PRIVATELY-OWNED CLOSED-CIRCUIT TELEVISION
SURVEILLANCE CAMERA BY-LAW ("THE CCTV BY-LAW")
OUR REF: TPF239 – CoJ CCTV BYLAW**

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.

ORGANISATION UNDOING TAX ABUSE NPC - Reg No.: 2012/084213/08
Directors: WL Duvenage (CEO), Adv. S Fick, Non-Executive Directors: S Ndlovu (Chair),
LJJ Pauwen, T Skweyiya, Z Mukwevho, SL Mokwena, Z Lees, K Thambi
CONTACTS: 087 170 0639 • info@outa.co.za • www.outa.co.za



2. OUTA is further geared towards the harmonious cooperation with government on various levels and seeks to assist government wherever necessary in carrying out its mandate in the interests of the citizens of South Africa.
3. OUTA herewith wishes to submit a formal complaint against the newly published (in the Provincial Government Gazette, dated 28 February 2025) City of Johannesburg's "Privately-Owned Closed-Circuit Television Surveillance Camera By-Law".
4. As you know, the Constitution of the Republic of South Africa, 1996 (the Constitution) is clear. It confirms in section 152(1)(e) that municipalities must encourage the involvement of communities and community organisations in matters of local government. Section 160(4) stipulates that a municipal council may not pass a bylaw unless it has been published for public comment.
5. The Constitution finds further application inter alia in the Municipal Systems Act, No. 32 of 2000, including but not limited to:
 - 5.1 Section 12 and 13 that provide for the adoption and publication of bylaws, including procedures for public notice and input;
 - 5.2 Section 16(1)(b) that provides that municipalities must develop a culture of municipal governance that complements formal representative government with a system of participatory governance, and must for this purpose contribute to building the capacity of;
 - 5.2.1. the local community to enable it to participate in the affairs of the municipality; and
 - 5.2.2. councillors and staff to foster community participation.



ORGANISATION UNDOING TAX ABUSE NPC - Reg No.: 2012/064213/08
 Directors: WL Duvenage (CEO), Adv. S Fick, Non-Executive Directors: S Ndlovu (Chair),
 LJJ Pauwen, T Sikweyiya, Z Mukwevho, SL Mokwana, Z Lees, K Thambi
 CONTACTS: 087 170 0539 • info@outa.co.za • www.outa.co.za



- 5.3 Section 17(1): Municipalities must establish appropriate mechanisms, processes and procedures to enable local communities to participate in the affairs of the municipality;
- 5.4 Section 21(1): Municipalities must communicate through appropriate media to ensure public access to information; and
- 5.5 Section 29 outlines the process for municipalities to conduct integrated development planning, requiring district municipalities to do so in close consultation with local municipalities, aligning with the district framework and IDP.
6. OUTA is of the view that for a municipality to meet the standard for proper public participation, it should:
 - 6.1 Give adequate notice of the proposed bylaw and the opportunity for public input:
 - 6.1.1 The municipality ought to use local newspapers, the municipal website, noticeboards, and radio (especially in rural or low-literacy areas); and the notice itself must be clear, accessible and in all the official languages relevant to the community.
 - 6.1.2 The municipality should make the full draft bylaw available for inspection at municipal offices and online and consider providing summaries or translations where necessary.
 - 6.2 Provide reasonable time (usually 30 days minimum) for the public to:
 - 6.2.1 Review the draft bylaw;



ORGANISATION UNDOING TAX ABUSE NPC - Reg No.: 2012/064213/08
 Directors: WL Duvenage (CEO), Adv. S Fick, Non-Executive Directors: S Ndlovu (Chair),
 LJJ Pauwen, T Skweyiya, Z Mukwevho, SL Mokwena, Z Lees, K Thambi
 CONTACTS: 087 170 0639 • info@outa.co.za • www.outa.co.za



- 6.2.2 Submit written comments; and
- 6.2.3 Attend public hearings or meetings.
- 6.3 Host public meetings/hearings in accessible venues and at convenient times:
 - 6.3.1 The municipality should allow the public to engage directly with officials and to provide oral submissions. Proper records/minutes must be kept.
- 6.4 Public submissions must be acknowledged and meaningfully considered.
 - 6.4.1 The final bylaw should reflect the changes and/ or the reasons for rejecting all the inputs and a report summarising the participation process and responses, should be published.
- 7. OUTA strongly believes that the public participation process undertook by the city's Public Safety Committee was not proper and was highly inadequate.
- 8. According to the "Report of the public safety committee on public participation process for cctv by-law" presented to council on 21 February 2025, the bylaw was advertised in the government gazette in February 2024 for the public to give inputs or comments. It further stated that in order to encourage public participation, a notice of request for public comments for the implementation of the bylaw relating to CCTV cameras for the City of Johannesburg was published on the 6th of November 2024, notifying the public that there will be virtual meetings on 14 November 2024 and 19 November 2024.
- 9. Although OUTA was able to find the February 2024 notice after we saw in the Provincial Government Gazette on 28 February 2025 that the bylaw was



ORGANISATION UNDOING TAX ABUSE NPC - Reg No.: 2012/084213/08
 Directors: WL Duvenage (CEO), Adv. S Fick, Non-Executive Directors: S Ndlovu (Chair),
 LJJ Pauwen, T Skweyiya, Z Mukwevho, SL Mokwena, Z Lees, K Thambi
 CONTACTS: 087 170 0639 • info@outa.co.za • www.outa.co.za



passed by counsel and subsequently published, we were unable to find any notice published on 6 November 2024, even after a diligent search.

10. Even if this notice was found and indeed published on the said date, OUTA is of the opinion that publishing 2 (two) notices in only the government gazette does not constitute proper public participation in a matter like this.
11. OUTA therefore call on the committee to revisit and reopen this bylaw for additional public participation and examination from industry experts, homeowners and businesses alike. We firmly believe that public involvement is not merely a legal expectation, but also vital for the development of fair and progressive legislation. Ensuring thorough public participation and expert review of the bylaw will ensure all parties affected have ample opportunity to respond and contribute, enhancing the transparency and integrity of the process.
12. We further believe that there are sufficient grounds for a review of the bylaw. The bylaw will have dire financial and privacy implications and, as such, OUTA is of the opinion that this bylaw is irrational, unreasonable and imposes unjust costs and other obligations on citizens and businesses. The Constitutional Court¹ ruled that public participation must be meaningful and not just a formality. Authorities must actively facilitate participation and genuinely consider the public's input.
13. OUTA appreciates your attention to this matter and would like to emphasise that, as an organisation, our mandate is to ensure meaningful public participation in any new bylaw, policy and regulation that have a direct and significant impact on society.



¹ Doctors for Life v Speaker of the National Assembly and others 2006(6) SA 416 (CC)

ORGANISATION UNDOING TAX ABUSE NPC - Reg No.: 2012/064213/08
Directors: WL Duvénage (CEO), Adv. S Fick. **Non-Executive Directors:** S Ndlovu (Chair),
 LJJ Pauwen, T Skweyiya, Z Mukwevho, SL Mokwena, Z Lees, K Thambi
CONTACTS: 087 170 0639 • info@outa.co.za • www.outa.co.za



14. Should you have any queries, kindly contact myself or OUTA's Senior Legal Project Manager, Ms Andrea van Heerden at andrea.korff@outa.co.za.
15. We trust that you find the above in order and look forward to receiving your response.

Yours sincerely

Stefanie Fick

Executive Director of the Accountability and Public Governance Division

OUTA – Organisation Undoing Tax Abuse

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



ORGANISATION UNDOING TAX ABUSE NPC - Reg No.: 2012/064213/08
Directors: WL Duvenage (CEO), Adv. S Fick, Non-Executive Directors: S Ndlovu (Chair),
LJJ Pauwen, T Skweyiya, Z Mukwevho, SL Mokwena, Z Lees, K Thambi
CONTACTS: 087 170 0639 • info@outa.co.za • www.outa.co.za