South African Tax Ombud

Thabo Legwaila
Structure of office and founding legislation

• Formed in terms of the Tax Administration Act
  • 10 years old in 2023
• Tax Ombud reports to the Minister of Finance
• Mandate:
  • to resolve complaints by taxpayers regarding service, procedural or administrative matter arising from application of tax Act; or
  • Systemic or emerging issue at the request, or with approval, of minister of Finance
• Excludes review of:
  • Legislation;
  • Appeal, objection or matter before court; or
  • SARS policy or practice, unless interferes with admin, service or procedural matter.
Relationship with SARS

- Report to Minister of Finance
- Improvement from secondments to independence in employment of staff
- Budget allocated by Minister
  - CFO is Commissioner
  - Employees employed in terms of SARS Act
# Queries and Complaints

<table>
<thead>
<tr>
<th></th>
<th>2020</th>
<th>2021</th>
<th>2022</th>
</tr>
</thead>
<tbody>
<tr>
<td>Queries</td>
<td>10 810</td>
<td>9 180</td>
<td>13 284</td>
</tr>
<tr>
<td>Complaints received</td>
<td>3 278</td>
<td>2 967</td>
<td>3 965</td>
</tr>
<tr>
<td>Complaints accepted</td>
<td>1 441 (44%)</td>
<td>1 250 (44%)</td>
<td>1 675 (42%)</td>
</tr>
<tr>
<td>Complaints rejected</td>
<td>1 634 (50%)</td>
<td>1 340 (46%)</td>
<td>1 892 (48%)</td>
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<tr>
<td>Complaints terminated</td>
<td>203</td>
<td>262</td>
<td>383</td>
</tr>
<tr>
<td>% of accepted recommendations</td>
<td>98%</td>
<td>98%</td>
<td>98%</td>
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2021/22 HIGHLIGHTS

- Received an Unqualified Audit opinion
- SARS implemented 98% of OTO’s recommendations
- 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 million (US$ 11.5 million)
  - Total refunds of more than R 290 million (USD 15.2 million)
- The Office received coverage on 46 radio stations
- Reached 15 950 960 television viewers through Digital Brand Integration
- Media engagements generated an estimated R8.4 million ($450 million) of public relations value
Challenges...etc

**Improvement**
- Broaden scope
- Total structural independence without loss on shared services
- Automation of complaints lodgement

**Barriers**
- Perception of hinderance
- Lack of understanding of need

**Extra powers**
- Binding recommendations?