

## COURT ONLINE COVER PAGE

IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN

CASE NO: **2025-078807**

In the matter between:

**ECONOMIC FREEDOM FIGHTERS**

Plaintiff / Applicant / Appellant

and

**MINISTER OF FINANCE**

Defendant / Respondent

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### Notice of Motion (Long Form)

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**NOTE:** This document was filed electronically by the Registrar on 29/5/2025 at 7:38:23 AM 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 The High Court,  
Western Cape Division, Cape  
Town**

**IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN**

**CASE NO:**

In the matter between:

**ECONOMIC FREEDOM FIGHTERS**

Applicant

and

**MINISTER OF FINANCE**

First Respondent

**COMMISSIONER, SOUTH AFRICAN REVENUE SERVICE**

Second Respondent

**SPEAKER OF THE NATIONAL ASSEMBLY**

Third Respondent

**CHAIRPERSON OF THE NATIONAL COUNCIL  
OF PROVINCES**

Fourth Respondent

**CHAIRPERSON OF THE STANDING COMMITTEE ON  
FINANCE AND THE SELECT COMMITTEE ON FINANCE**

Fifth Respondent



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**NOTICE OF MOTION**

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**TAKE NOTICE THAT** the Applicant intends making application to the above Honourable Court at **10h00 on Tuesday, 3 June 2025** or so soon thereafter as counsel for the Applicant may be heard, for an order on the following terms:

**PART A**

1. That this application be heard as an urgent application in accordance with the provisions of Rule 6(12) and that the requirements pertaining to forms and service be dispensed with.

2. Suspending the decision by the First Respondent to increase the general fuel levy by 16 cents per litre for petrol and by 15 cents per litre for diesel with effect from 4 June 2025 as announced in his National Budget tabled on 21 May 2025 ("**impugned decision**") pending finalisation of Part B of this application;
3. Interdicting the First Respondent from giving effect to the impugned decision pending finalisation of Part B of this application;
4. That any Respondent opposing the relief sought be ordered to pay the costs jointly and severally, the one paying the other to be absolved, which costs include cost of counsel, to be taxed in terms of Rule 67A, Scale C of the Uniform Rules of Court; and
5. Further and/or alternative relief.



**TAKE FURTHER NOTICE THAT** the affidavit of **OMPHILE MAOTWE** will be used in support of this application.

**TAKE NOTICE FURTHER** that if you intend on opposing this application you are required to notify the Applicant in writing on or before **17h00 on Friday, 30 May 2025** by filling with the Registrar a notice of intention to oppose together with their Answering Affidavit and serving same on the Applicant's attorneys.

**TAKE FURTHER NOTICE** that you are required to appoint in such notification an address referred to I Rule6(5)(d) of the Uniform Rules of Court at which you will accept service of the documents in these proceedings.

**TAKE NOTICE FURTHER** that the Applicant shall deliver its replying affidavit, if any, by 17h00 on Saturday, 31 May 2025.

**TAKE NOTICE FURTHER** that the Applicant has appointed **ENGLAND SLABBERT ATTORNEYS**, at the address set out below, as the address at which it will accept service of all notices and process in these proceedings.



**TAKE NOTICE FURTHER** that, if you do not notify the Applicant's attorney of your intention to oppose the application as set out above, and/or do not file your answering affidavit as set out above, and/or do not appear whether in person or by representation at the hearing on the date and at the time aforesaid, an order may be made against you in your absence.

**TAKE FURTHER NOTICE** that the Applicant shall seek an order on a date to be determined by the Registrar in accordance with Part B of the Notice of Motion, as follows:

**PART B**

1. Reviewing and setting aside the impugned decision by the First Respondent;

2. Directing the respondents to pay the Applicant's costs including the costs of two counsel on scale C in the event of opposition by other Respondents in the main application, directing the First Respondent and other opposing Respondents to pay the Applicant's costs including the costs of two counsel on scale C, jointly and severally the one paying the other to be absolved; and
3. further and / or alternative relief.

**TAKE NOTICE** that the First Respondent is herewith called upon to, in accordance with Rule 53 of the Uniform Rules of Court, dispatch within 15 (fifteen) days after receipt of the Notice of Motion, to the Registrar of the Honourable Court the record of proceedings, relevant to the relief sought in the Notice of Motion, together with such reasons as the Respondent is required or desirous to give or make and to notify the Applicant that they have done so.



**TAKE NOTICE FURTHER THAT** the Applicant may within 10 days after the Registrar has made the record available to it, by delivery of a notice and accompanying affidavit, amend, add to or vary the terms of this Notice of Motion and supplement the supporting affidavit.

**TAKE NOTICE** that after delivery of the record of proceedings by the First Respondent, contemplated above, the time periods referred to in Rule 53(4) and (5) shall be applicable.

**KINDLY PLACE THE MATTER ON THE ROLL FOR HEARING ACCORDINGLY.**

SIGNED AND DATED AT **SANDTON** ON THIS **28<sup>th</sup>** DAY OF **MAY 2025**.



**ENGLAND SLABBERT ATTORNEYS INC.**

**Applicant's Attorneys**

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Atholl

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Ref: A Charalambous/**ECO10007**

**c/o ENGLAND SLABBERT ATTORNEYS INC.**

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TO: **THE REGISTRAR OF THE HIGH COURT**  
WESTERN CAPE DIVISION  
CAPE TOWN

AND TO: **MINISTER OF FINANCE**  
**First Respondent**  
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AND TO: **COMMISSIONER, SOUTH AFRICAN**  
**REVENUE SERVICES**  
**Second Respondent**  
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Nieuw Muckleneuk  
0181  
Pretoria  
**c/o DM5 INC.**

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AND TO: **SPEAKER OF THE NATIONAL ASSEMBLY**  
**Third Respondent**  
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AND TO: **CHAIRPERSON OF THE NATIONAL COUNCIL**  
**OF PROVINCES**  
**Fourth Respondent**  
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AND TO: **CHAIRPERSON OF THE STANDING COMMITTEE**  
**ON FINANCE AND THE SELECT COMMITTEE**  
**ON FINANCE**  
**Fifth Respondent**  
Parliament Street  
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021 403 3782  
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[nmangweni@parliament.gov.za](mailto:nmangweni@parliament.gov.za)

IN THE HIGH COURT OF SOUTH AFRICA  
WESTERN CAPE DIVISION, CAPE TOWN

CASE NO:

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**ECONOMIC FREEDOM FIGHTERS**

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FINANCE AND THE SELECT COMMITTEE ON FINANCE**

Fifth Respondent



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**FOUNDING AFFIDAVIT**

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I, the undersigned,

**OMPFILE MAOTWE**

do hereby make oath and state that:

- 1 I am a Member of Parliament and member of the EFF, a registered political party.

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- 2 The facts herein contained are within my own personal knowledge, unless the context otherwise indicates, are both true and correct and I swear positively thereto.

## INTRODUCTION AND BASIS FOR THE APPLICATION

- 3 The First Respondent is the Minister of Finance, who delivered his annual budget speech on 21 May 2025 and to whom the relief in this application is sought against. The Second to Fifth Respondent's are cited as the subject matter of this application raises their sufficient interest, no relief is sought against them. **HOWEVER**



- 4 The Minister delivered his annual budget speech on 21 May 2025 in terms which he proposed an increase to the general fuel levy to take effect on 4 June 2025. He noted that "*the general fuel levy will increase by 16 cents per litre for petrol and by 15 cents per litre for diesel*". Crucially, the Minister specifically refers to this fuel levy increase as tax. This is recorded on page 7 of his budget speech which I attach as "EFF1".
- 5 In terms of section 77(3) of the Constitution of the Republic of South Africa ("the Constitution"), this must mean that the Minister must introduce a Money Bill which imposes tax and/or levy as characterised in section 77(1) and (2) of the Constitution. That will trigger the section 75 parliamentary process before that Money Bill can take legal effect.
- 6 Put simply, our constitutional order dictates that only elected representatives may impose taxes, and not a single, unelected executive member.

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7 It is clear that the Minister has no intention of following that legislative process in that he has to date done no more than make the announcement in his budget speech and has not approached our legislature as required.

8 It would be impossible to conclude that parliamentary process even if he was submitting the Money Bill simultaneously with the preparation of this affidavit and parliament was to sit and consider that Money Bill as of tomorrow if the fuel levy is to be lawfully imposed on 4 June 2025.

9 We took the decision to not pre-empt the Minister by bringing this application earlier without any reasonable basis of assuming he would simply on his budget speech proposal to give effect to the fuel levy increase. It strikes us odd that he seemingly seems to want to do just that.



10 I have overhead suggestions that the finance ministry is in the process of crafting a government notice to give effect to the fuel increase. We are not suggesting that this Court accept such speculation as the true position but accept what is factually before them. What that is is that the Minister has taken a unilateral decision to increase the fuel price with nothing more as at the deposition of this affidavit. We contend that is unlawful hence this application.

11 In a matter joined by the EFF and heard recently by this Court under case number 2025/045530 where the Minister sought to illegally increase Value-Added Tax, the applicant contended that the Minister exercised power in an unconstitutional manner and seeks to constitutionally challenge a provision relied upon by the Minister at the Part B of that application.

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12 The EFF has instructed its attorneys to join that Part B should the Minister rely on any provision that purports to permit the Minister to unilaterally increase fuel levy and/or tax, which we anticipate he will. At this stage, the EFF is in no position to definitively set out to this Court what the nature of our Part B would be because to date, the Minister has not responded to the EFF letter. What is however clear is that the Minister has not followed the legal process in imposing the levy and neither can he at this late stage. That takes me to correspondences.

13 Seeing that time was becoming of the essence and reasonable time was given to the Minister to regularise the fuel levy imposition, the EFF addressed the contentions raised in this affidavit in a letter dated 26 May 2025 ("EFF2"). Paragraphs 6 to 11 set out the socio-economic impact this will have on the poor and working class. We continue to place reliance on these assertions in justifying the interim remedy we seek.

14 Paragraphs 12 to 21 then set out why we contend that his imposition of the fuel levy in the manner he has is unlawful. We have argued along those lines in this affidavit too.

15 The balance of the letter sensitises the Minister to the political consequences and sabotaging of the budgetary process caused by his persistent disregard for the rule of law. He was reminded of the political and economic turmoil he caused necessitating three attempts at passing a budget, forced avoidable litigation only to concede on hours before judgment, amongst other harms he caused. He was reminded it is this seemingly insistent approach of not holding himself accountable and refusal



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to abide by the law in the exercise of his powers that warrants yet this further litigation.

16 I do not make this claim lightly or with ill-intention. He persists with mirroring the very problems that besieged the VAT debacle. The relevant committee is currently undertaking a legislative and mandatory Parliamentary process of deliberating on the Fiscal Framework which process will inform Parliament's position on the fuel levy. All of this forms part and parcel of the budget process initiated by the Minister by the delivery of his speech

17 As a matter of law, the Finance Minister tabled the 2025 annual budget in the National Assembly on 21 May 2025 ("Annual Budget") incorporating the mandatory proposed fiscal framework ("Fiscal Framework") in terms of section 7(2)(a) of the Money Bills Amendment Procedure And Related Matters Act, 2009 ("Money Bills Act") as read with section 27 of the Public Finance Management Act, 1999.



18 In delivering the Annual Budget, he announced fuel levy as stated.

19 The National Assembly and the National Council of Provinces then referred the Fiscal Framework to the Standing Committee which is currently conducting public hearings on the Fiscal Framework.

20 Crucially, section 8(5)(a) of the Money Bills Act provides that when amending the fiscal framework, a step yet to be undertaken, "*Parliament and its committees must ensure that there is an appropriate balance between revenue, expenditure and borrowing*". The proposed fuel levy is part and parcel of that consideration because it speaks to state revenue.

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21 It further provides that when such amendment is made, such amendment must be furnished to the Minister who will then be afforded two days to consider such proposed amendment [subsection 6((b)] and the final Standing Committee’s report to Parliament must include the responses of the Minister [subsection 6(c)].

22 Ultimately, the Standing Committee’s report would serve before Parliament for adoption and once adopted, the relevant Money Bills that speak to the budget and the fiscal framework and how revenue is to be collected and increased, including increased fuel levy – a task of elected representatives in Parliament, would be presented by the Minister. One of those Money Bills is one that Parliament would have to pass to lawfully increase fuel levy. That is how the constitutional and Money Bills Act scheme works which the Minister has bypassed. However the Minister seeks to increase the fuel levy, a Money Bills Act process must be followed and the has failed to do so or will not be able to do so by 4 June 2025 even if he initiated that process now.



23 The “EFF1” annexure letter addressed to the Minister then concluded by requesting that:

23.1 the Minister withdraw the proposed fuel levy increase; and

23.2 not purport to give effect to that increase through a government notice until the proper process has been followed.

24 The EFF reserved its right to approach this court for relief where necessary and the Minister was given 48 hours to respond to that letter. To date, the

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EFF has only received an acknowledgement of receipt of the EFF's letter ("EFF3").

25 In short, what is clear is that the Minister does not seek, or can he at this stage, to follow the constitutional and legislative process required to give effect to his fuel levy decision on 4 June 2025. The Minister is acting unlawfully in making that unilateral decision through a budget speech. Even if he was to issue a government notice to that effect, all that that notice can do is by definition merely notify the public that bestow him with the power to make that decision. That power lies in the exclusive domain of the legislature and not an executive member acting outside of any checks and co-operation.



26 In the circumstances, his decision stands to be suspended and necessary interdict put in place pending Part B of this application to confirm that nothing done (or to be done) by the Minister gives rise to a lawful fuel levy increase. We assert that he cannot properly regularise his decision in that the required judicial process cannot be completed before 4 June 2025.

27 As things stand, the fuel levy will increase on 4 June 2025.

### **SUSPENSION (AND INTERDICTION) OF THE IMPUGNED DECISION PENDING PART B**

28 It is trite that interim reliefs are to be granted to preserve the integrity of pursuant determination/s at a later stage. I will show that the EFF Part B orders will not be given proper effect to if the sought interim relief is not granted.

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29 I contend that the suspension of the impugned decision pending Part B would promote the objects, spirit and purport of the Constitution in that it would halt the abuse of public power by an executive member, acting on a seeming frolic of his own, which would in turn also bring an end to the rippling illegality that has an impact on the collection of revenue and its spending which cannot be adequately reversed at a later stage.

30 I humbly submit that the EFF has shown and continues to show good prospect of success in the envisaged Part B application which would confirm that the Minister cannot simply decide to increase a fuel levy without parliamentary involvement.



31 What the EFF seeks is timeous correction of patent illegality without further threat and assault to the rule of law pending Part B in terms of section 172(1)(b) of the Constitution.

32 In support of this contention, I ought to show that the EFF (and parties in whose interests it acts):

32.1 have a *prima facie* right, which by definition and trite jurisprudence can be open to some doubt;

32.2 and that such rights have been harmed (suspension aspect of the sought remedies) and there is reasonable apprehension that they are under threat of further violation (interdict aspect of the sought remedies)<sup>1</sup>;

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<sup>1</sup> *National Gambling Board*

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32.3 that the balance of convenience warrants the granting of the interim relief; and

32.4 there is no adequate remedy to make good such harm should such interim relief not be granted,

which elements must be considered in conjunction<sup>2</sup> and in a way that promotes the objects, spirit and purport of the Constitution<sup>3</sup>.

33 One of the concerns that warrant this application is that the fuel levy increase might be given effect to illegally on 4 June 2025. EFF need not prove that the increase will in fact happen. In this regard, the Court in *Minister of Law and Order and Others v Nordien and Another* held that reasonable apprehension of harm does not require the applicant to show that harm will happen but merely that he reasonably apprehends that it will.<sup>4</sup>



34 This principle matters to the extent the Minister may seek to suggest that he has done nothing to give effect to the increase and that this application is premature. What we know now is that he made the increase announcement and specifically said it will take effect on 4 June 2025 in his budget speech. He has not conducted himself nor said anything that suggests he will not carry this through.

35 At best for the Minister, he may purport to give effect to that increase through a mere notice or other instrument which we say still renders his decision

<sup>2</sup> *Olympic Passenger Service (Ply) Ltd v Ramlagan* 1957 (2) SA 382 (D) at 383E – F.

<sup>3</sup> *OUTA* at 45.

<sup>4</sup> (473/85) [1987] ZASCA 24; [1987] 2 All SA 164 (A) (26 March 1987) at para 8.

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unlawful. As things stand, the public appreciates that the fuel levy will increase and without doubt fuel merchants and other implicated parties have catered for that.

36 The Minister has simply not done anything to suggest his budget speech pronouncement will not come into effect.

37 In any event, I also argue harm has already occurred through the illegal conduct of the respondents as outlined elsewhere in this affidavit which illegality I reasonably apprehend to give rise to further harm. This includes the citizens being forced to pay extra fuel levy based on illegal decision-making. In that sense the EFF formulates its prayers as it does interim suspension-cum-interdict – if you will.



38 I now deal with each element justifying this sought interim remedy.

39 As a general remark, the averments contained in the foregoing heading speaks to the elements of the sought relief. I will not repeat each and every one of them but will seek to capture their essence under this heading. This section of the affidavit is thus to be read with the appreciation of them being made and to the extent necessary read as if they are incorporated under this following heading.

#### **THE INTERIM ORDERS SOUGHT ARE JUSTIFIED**

*The EFF (and the parties in whose interest it acts) have a prima facie right*

40 Firstly, the EFF needs to show that there is a *prima facie* right, albeit open to some doubt, to the relief it seeks. As already hinted, the Court will

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consider the prospects of success at Part B. The more the possibilities of its success the more this Court should be inclined to grant this application.

41 The EFF argues that the impugned decision is contaminated primarily by the *ultra vires* exercise of power by the Minister as averred. As at the deposition of this affidavit, the Minister neither sought to fix this as requested by the EFF letter, nor given any comfort that the EFF's concerns are misplaced for reasons that would have been given.

42 The citizens should not be made to pay for a fuel increase that is patently buttressed on irrefutable evidence of illegality, which harm cannot be practically and/or effectively remedied at whatever stage this dispute is finally decided. I will revert to this point when addressing reasonable apprehension of harm and alternative remedy elements.



43 Equally, the EFF MPs' rights to run the affairs of Parliament in a legitimate fashion is hamstrung by the claimed illegality to the extent of its continued existence. The Money Bills Act and the Constitution place duties and obligations that are to be undertaken by parliamentarians directly and indirectly in taking decisions to impose fuel levies and any taxes on the citizens. We have set out what form this would take and the Minister's exclusion of the parliamentary process inhibits the exercise of those rights and fulfilment of the obligations.

44 The EFF affirms in its Constitution that:

*"EFF will be the vanguard of community and worker's struggles and will always be on the side of the people."*

*OC*

45 I have shown elsewhere in this affidavit how the claimed illegality is antithetical to this notion and the EFF acts in its interest, its members and its constituencies in bringing this application to safeguard their rights to give effect to political objectives of the EFF.

46 The public interests and rights are equally implicated by the proposed fuel price hike. The citizens will simply have no practical recourse once charged illegally at the heightened fuel cost from 4 June 2025.

47 As stated earlier, we invite this Court to have regard to the consequences this fuel levy hike will have on the marginalised members of our country. The unlawful negative impact is also felt by the other *strata* of our society as well.



48 The public equally has *prima facie* constitutional rights:

48.1 to be treated with substantive equality, particularly the poor that stand to be hit the hardest by the unlawful fuel hike (section 9);

48.2 to not suffer the indignity of being deprived of lawful means of leaving through an unlawful fuel levy hike (section 10);

48.3 not to unlawfully charged excessive fuel price and the right to not have their property deprived arbitrarily (section 25); and

48.4 to health care, food, water and social security which is directly impacted by any fuel hike in that its cost will be pushed down to the end user (section 27).

49 OUTA held:

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"...If the right asserted in a claim for an interim interdict is sourced from the Constitution it would be redundant to enquire whether that right exists...."

50 The suspension of the Minister's impugned decision must mean that he must equally be disempowered from giving effect to the fuel price hike pending the finalisation of Part B. This is the interdict aspect of the sought prayers.

51 I have shown that the Minister has shown no indication that he will not give effect to his fuel levy increase come 4 June 2025. The Court must accept that that is what will happen on that date. Absent any step by the Minister to regularise that process, which we argue he cannot at this late stage, an urgent interdict is clearly warranted.



52 On that note, the harm has manifested and we reasonably apprehend it will morph into different harm which will be felt by the citizens come 4 June 2025 and the balance of convenience warrants interim relief in that there is no adequate remedy available later on. I deal with these topics next.

The EFF and Interested Parties have and will continue to suffer irreparable harm

53 I have earlier cited the legal principle that governs this test.

54 I must establish that there is a well-grounded apprehension of irreparable and imminent harm or that it has occurred and will persist. As already stated the test for a reasonable apprehension of irreparable and imminent harm is an objective one.

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- 55 The EFF MPs' rights to effectively and legally fulfil their parliamentary duties and obligations as mandated by the Constitution have been harmed through the impugned processes. That is continuing harm for as long the sought remedies are not granted.
- 56 The threat of the fuel price hike is reasonably apprehended (without having to show that the fuel increase will in fact happen on 4 June 2025) in that the Minister has done nothing to indicate it will not happen.

Balance of Convenience



- 57 Thirdly, the balance of convenience must favour the granting of a temporary suspension and/or interdict to the EFF. Under this rubric, the Court in *OUTA* held that:

*"A court must be satisfied that the balance of convenience favours the granting of a temporary interdict. It must first weigh the harm to be endured by an applicant if interim relief is not granted as against the harm a respondent will bear, if the interdict is granted. Thus a court must assess all relevant factors carefully in order to decide where the balance of convenience rests."*

- 58 It is also trite that the Courts must be proactive in protecting the integrity and effectiveness of the Part B review remedies where warranted and a case has been made for the potential success of that review application. In this instance, we ask of this Court to not permit for the citizens to pay an increased fuel levy in instances where the Part B court would find that the

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Minister imposed it illegally. This is particularly because that harm is irreversible.

59 I have alluded to all the consequences of the interim relief not being granted and restate them as follows:

59.1 the Standing Committee is in the process of running a futile exercise in that its deliberations which ought to determine the appropriate fuel levy, *if any at all*, has been surpassed by the Minister's introduction of the levy without consideration of that committee's report;



59.2 this equally applies to the NA and NCOP which also have a constitutional and legislative mandate to accept or not accept the proposed fuel levy increase;

59.3 any Part B success by the EFF would require these institutions to re-run this process, which they continue to run, despite the superfluous nature of it in light of the Minister decision that usurped their power – an instance that is glaringly similar to the VAT hike challenge, and the Minister has plunged the state in that abyss yet again;

59.4 the rights of EFF MPs to perform their duties in a legitimate manner, and indeed all MPs who I can only presume care for those rights, would be infringed;

59.5 no effective remedy can reverse any consequence of the public having paid extra for fuel unlawfully for however long period that may be till the impugned decision is finally reviewed and set aside;

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59.6 in any event, it would be no answer to say the state would just make good that loss through some compensation scheme which would in itself mean the state would be losing that fuel revenue which it then has to make good again – an endless spiral of fiscal catching-up.

60 To ask this Court to not in the interim halt clear unlawfulness without valid reason is untenable in a constitutional democracy and lends itself in favour of granting the sought remedies.

61 I submit that balance of convenience warrants the granting of the remedies.



Alternative Remedy

62 On the totality of what I have averred above, the EFF has no alternative effective remedy. I have shown that neither of the harm are capable of effective and substantial remedy.

63 In conclusion, the Court in *Affordable Medicines* held:

*"The exercise of public power must therefore comply with the Constitution, which is the supreme law, and the doctrine of legality, which is part of that law. The doctrine of legality, which is an incident of the rule of law, is one of the constitutional controls through which the exercise of public power is regulated by the Constitution. It entails that both the legislature and the executive 'are constrained by the principle that they may exercise no power and perform no function beyond that conferred upon them by law.' In this sense the Constitution entrenches the principle of legality and provides the foundation for the control of public power."*

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64 I have attempted to show that the Minister simply failed to live up this constitutional invocation of office to the detriment of numerous rights of various groupings and individuals. The Constitution bestows on this Court the power to correct that. The EFF hopes it has done enough to convince this Court of the necessity and appropriateness of such action.

#### THE MATTER IS URGENT

65 The Minister took the impugned decision on 21 May 2025. This in itself does not render the Minister's decision to increase the fuel levy unlawful. It is rather his failure to engage the mandatory parliamentary process to give effect to his decision. We argue he cannot undertake that parliamentary process to its fruition by 4 June 2025 even if he commenced it now.



66 The EFF took a decision to not rush to Court and opted to afford the Minister enough time to regularise his fuel levy increase. He has not done so.

67 The EFF, having appreciated that the Minister cannot regularise the decision in time, wrote to the Minister pointing out the flaws in the process, as it did with the VAT debacle and asked the Minister to regularise the process within 48 hours. Similarly, the Minister has not done so.

68 It would be imprudent of the EFF to continue waiting on the Minister to regularise the problem at some future, indeterminate date – if he even intends to so regularise. What is clear to the EFF is that no other step post 28 May 2025, the date by which the Minister was asked to respond, can fix the illegality, hence the timing of the application.

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WHEREFORE I humbly pray that the EFF's application be granted with costs and should this application be unsuccessful that the EFF is shielded by *Biowatch*.



*[Handwritten signature]*

DEPONENT

I certify that the deponent has acknowledged that she knows and understands the contents of this affidavit which was signed and sworn to before me at Parliament SAPS on 28<sup>th</sup> of May 2025, under compliance with the regulations contained in Government Notice R1258 dated 21 July 1972, (as amended).

*J. Afrake 71324194*  
COMMISSIONER OF OATHS

Full Names: *Jaileen Afrake*

Designation: *Sergeant*

Address: *Cnr. of Bouquetta & St John's Road Parliament.*

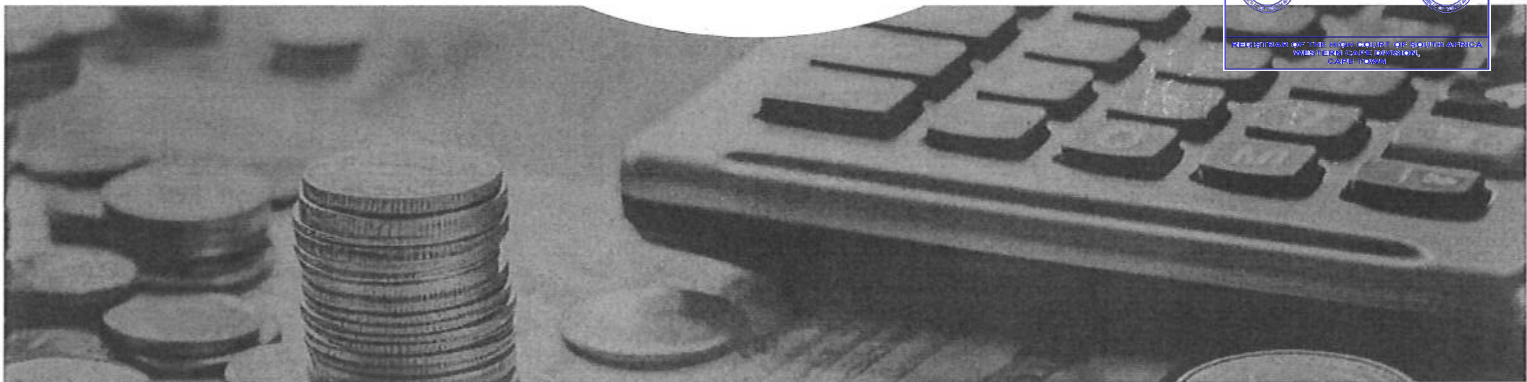


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NATIONAL  
TREASURY

# Budget

21 MAY 2025



## Budget Speech



**national treasury**

Department:  
National Treasury  
REPUBLIC OF SOUTH AFRICA



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## BUDGET SPEECH

*Check against delivery*

**Enoch Godongwana**

**Minister of Finance**



**21 May 2025**



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2025 BUDGET SPEECH

Honourable Speaker, Thoko Didiza  
Deputy Speaker, Annelie Lotriet  
Chairperson of the National Council of Provinces, Refiloe Mtshweni-Tsipane  
Deputy Chairperson of the National Council of Provinces, Les Govender  
His Excellency, President Cyril Ramaphosa  
Honourable Deputy President Paul Mashatile  
Cabinet Colleagues  
Members of the Executive Council for Finance  
Honourable Members  
Governor of the South African Reserve Bank  
Commissioner of the South African Revenue Service  
Fellow South Africans



Allow me to table the following documents before this House:

- The 2025 Division of Revenue Bill;
- The 2025 Appropriation Bill;
- The 2025 Estimates of National Expenditure;
- The Revised Information on 2025 Estimates of National Expenditure;
- The 2025 Budget Review published on 12 March and re-tabled here as a key policy reference;
- Updated Annexure A of the March 2025 Budget Review;
- Updated Statistical Annexure to the March 2025 Budget Review;
- The 2025 Budget Overview; and
- The 2025 Budget Speech.

The documents tabled today are additional to the Bills previously tabled, namely:

- The 2025 Eskom Debt Relief Amendment Bill;
- The 2025 Public Sector Pension and Related Payments Bill;
- The 2025 Revenue Laws Amendment Bill;
- The 2025 Rates and Monetary Amounts and Amendment of Revenue Laws Bill;

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2025 BUDGET SPEECH

## INTRODUCTION

Madam Speaker, a national budget is not merely an accounting exercise measuring what we earn, what we spend and what we borrow as a nation.

It is a reflection of the difficult trade-offs needed to balance fiscal sustainability while addressing our developmental goals.

It is unsurprising then that the increase to Value Added Tax (VAT) proposed on March 12 created so much debate.

A vital debate no doubt, but one that also created some uncertainty.

There is clarity now: VAT will remain at 15 per cent.

This decision reflects our commitment to listen to South Africans, and to all the political parties represented in this House.

Today's budget has taken these views into account.

This is what the past two months have provided: valuable lessons that will inform how we manage the budget process moving forward.

The reality, however, is that the decision to do away with the VAT increase, without a viable alternative source of revenue, significantly reduced our ability to fund additional government programmes and projects to the extent we had deemed necessary.

Nevertheless, this budget supports sustainable finances, the social wage and investments in economic growth.

This is not an austerity budget.

It increases non-interest expenditure by an average of 5.4 per cent over three years. In real terms, this is 0.8 per cent growth.

It is also a redistributive budget.

It directs 61 cents of every rand of consolidated, non-interest expenditure towards the social wage.

This is money that will be spent to fund free basic services like electricity, water, education, healthcare, affordable housing, as well as social grants for those in need.

This budget invests over R1 trillion in critical infrastructure to lift economic growth prospects and improve access to basic services.

Madam Speaker, this is done without compromising the fiscal strategy of sustainable public finances.



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We have achieved this difficult balance by reducing additional spending over the medium term by R68 billion. These reductions are primarily aimed at provisional allocations not yet assigned to votes.

Simply put, this means baseline allocations across all spheres of government remain largely unchanged.

Instead, the size of the proposed increases to allocations is reduced, in line with what we can afford.

Our focus going forward is threefold: balancing the budget through spending efficiencies, strengthening revenue collection, and giving expression to the Medium-Term Development Plan.

This undertaking is not insurmountable if we work together, stay focused, and persevere to chart a better course for our economy and our people.

## ECONOMIC OUTLOOK

Turning to the economic outlook.

Madam Speaker, much has changed since our last appearance in this House.

The most troubling changes are the global economic developments which have, in the short space of two months, already had a significant impact on the domestic economic outlook.

## GLOBAL

The global economy is facing heightened trade tensions and elevated policy uncertainty with worrying economic consequences.

The International Monetary Fund now projects global growth at 2.8 per cent in 2025. This is 0.5 percentage points lower than the January estimate.

Similarly, global trade is projected at 1.7 per cent in 2025, which is also much lower than the January estimate.

At the same time, inflation expectations are now above central bank targets in many advanced and emerging market economies.

And new trade barriers may raise inflation and prolong the cycle of higher interest rates.

## DOMESTIC

Turning to the domestic outlook.

Madam Speaker, as a small, open economy, South Africa is dependent on global trade and financial inflows.



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This makes us particularly exposed to the global economic developments that I have just outlined.

As a result, we now estimate real GDP to grow at 1.4 per cent in 2025. This is lower than the 1.9 per cent we projected in March.

Over the next two years, we project real GDP growth to rise moderately, to 1.6 per cent in 2026 and 1.8 per cent in 2027.

Looking further ahead, the risks to the outlook remain elevated.

These include the worsening global outlook, weaker-than-expected growth in the fourth quarter of 2024, the persistence of logistics constraints and higher borrowing costs.

These developments are a vivid reminder that we must urgently turn the tide on our economic prospects and get our fiscal affairs in order.

Faster, inclusive growth that creates jobs is the only path towards a more prosperous South Africa.

Attaining this growth must be our national obsession.

We all have a stake and a responsibility to work towards this goal.

## FOSTERING FASTER INCLUSIVE GROWTH

Honorable members, our strategy for faster growth, and to shield our country from the worst impacts of an increasingly uncertain global environment, remains anchored on four pillars:

- Maintaining macroeconomic stability,
- Implementing structural reforms,
- Improving state capability, and
- Accelerating infrastructure investment.

Madame Speaker, let me demonstrate how this budget reflects this strategy.

First, maintaining macroeconomic stability promotes low and stable inflation, and lower interest rates while enhancing the country's ability to withstand external shocks.

In turn, this creates a conducive environment for investment, savings and job creation.

## FISCAL STRATEGY

Honourable members, prudent fiscal policy is a key component of maintaining macroeconomic stability.

The balanced fiscal strategy we are presenting today reflects this.

It stabilises debt as a percentage of GDP, achieves a primary surplus, expands infrastructure investment and supports the social wage.



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In 2025/26, government debt is projected to stabilize at 77.4 per cent of GDP.

While this is 1.2 per cent higher than projected in the March 12 budget, it is mainly due to lower nominal GDP.

The main budget deficit decreases by R8 billion over the MTEF, compared to our estimates in March.

This narrower deficit is enabled by the steadily expanding primary surplus.

By 2027/28, the primary surplus will grow from an estimated 0.8 per cent of GDP in this financial year to 2.1 per cent.

Madam Speaker, a growing primary surplus means that our revenue will continue to be larger than our non-interest expenditure over the next three years.

This contributes to lowering our gross borrowing requirements, resulting in lower debt and lower debt-service costs over time.



However, debt service costs remain high, amounting to more than R1.3 trillion over the next three years.

Put differently, this means in 2025/26 alone we are spending around R1.2 billion per day to service our debt.

This is more than what we spend on frontline services such as health, the police and basic education.

We must maintain our efforts to reverse this trend, and prevent the cost of debt from robbing us of resources that could otherwise be spent on pressing social needs, or to invest in growth.

This fiscal strategy is how we will drive down the debt to GDP ratio, slow the growth in debt service costs and rebuild our fiscal buffers.

And in this way shield ourselves from an increasingly uncertain and unpredictable external environment.

To address the persistent fiscal imbalances in the medium to long term, we have published a discussion document on fiscal anchors. The consultations with a range of stakeholders and experts on this paper are ongoing.

## **STRUCTURAL REFORMS**

Madam Speaker, a bigger, faster-growing economy, and the larger fiscal resources that come with it, are the key to building up the fiscal room we need to meet more of our developmental goals.

The second pillar of the economic growth strategy is in our continued commitment to implement growth-enhancing structural reforms.

Through the first phase of Operation Vulindlela, bold and far-reaching reforms were implemented in the network sectors and the visa regime.

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As a result, numerous economic bottlenecks have eased, new investments unlocked, and the growth potential of the economy enabled.

Yet the economy still faces constraints.

During the launch of the second phase of OV two weeks ago, the President aptly pointed out that, and I quote: "Our economy needs to grow much faster to create jobs that we need and to achieve prosperity for all".

The second phase will therefore focus on the following areas:

- Seeing-through existing reforms in energy, water, logistics and in the visa regime.
- Improving the performance of local government. This includes professionalising utilities appointing suitably qualified people to senior positions, and reviewing the local government fiscal framework.
- Harnessing digital transformation, in order to drive the adoption of digital technologies in government and build digital public infrastructure for use by all South Africans.
- Addressing the apartheid legacy of spatial inequality. Reforms will include changes to housing policy and accelerating the release of publicly owned land and buildings. This will also entail clearing the backlog of title deeds for affordable housing, and a comprehensive regulatory review aimed at removing barriers to the development of low-cost housing.



Tackling these structural constraints will ensure that impediments to faster growth are removed.

## REVENUE PROPOSALS

Madam Speaker, the budget process this year has been contentious, mainly due to the tax proposals announced on March 12.

I want to assure the public, and this House, that the aim of the March 12 budget was to balance the necessity of growing the economy, with the equally urgent need to repair and rebuild our public finances.

This remains our goal.

And as I have already said, the proposed increases in the VAT rate in 2025/26 and 2026/27 have been dropped.

As a result, the expansion of the zero-rated basket, which was included to cushion poorer households from the VAT rate increase, falls away.

Madam Speaker, compared to the March estimates, tax revenue projections have been revised down by R61.9 billion over the three years,

This reflects the reversal of VAT increase and the much weaker economic outlook.

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In this difficult environment, it remains vital that we still take actions to increase revenue to protect and bolster frontline services, while expanding infrastructure investments to drive economic activity.

To this end, this budget proposes an inflation-linked increase to the general fuel levy.

For the 2025/26 fiscal year, this is the only new tax proposal that I am announcing.

This is the first fuel levy increase in three years.

It means from the fourth of June this year, the general fuel levy will increase by 16 cents per litre for petrol, and by 15 cents per litre for diesel.

Unfortunately, this tax measure alone will not close the fiscal gap over the medium term.

The 2026 Budget will therefore need to propose new tax measures, aimed at raising R20 billion.

We have allocated an additional R7.5 billion over the MTEF, to increase the effectiveness of the South African Revenue Service in collecting more revenue.

Part of this allocation will be used to increase collections from debts owed to the fiscus.

SARS has indicated that this could raise between R20 billion to R50 billion in additional revenue per year.

Another part of the additional allocation to SARS will be used to improve modernisation.

This will include targeting illicit trade in tobacco and other areas, which should boost revenue over the medium term.

As SARS utilises this investment to raise additional revenue, which I believe can be at least R35 billion, the R20 billion to close the current revenue gap will not have to be raised through taxes.

Madam Speaker, let me call on every South African, be they individuals, small business operators or large corporates, to honour their tax obligations and contribute to building a better and more equitable nation.

To all the taxpayers that continue to pay their taxes, thank you. We do not take this for granted.

As a government, we know that we must earn the taxpayer's trust every day, by spending public money with care and ensuring that every rand collected is spent on its intended purpose.

We recognise the urgent need to do more to achieve this goal.

We are not deaf to the public's concern about wasteful and inefficient expenditure.

Our commitment to collect taxes must be matched by better efficiency in how that money is spent.

It must be matched by much stricter oversight that quickly identifies problems and provides timely solutions when things go wrong.



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## SPENDING PRIORITIES

Honourable Speaker, Members of Parliament, and fellow South Africans, before I continue, allow me a moment to share with you an open letter from a young medical student, Sarah Stein from UCT.

I have read and reread the letter since it was published on 7 May.

The extract of the letter I want to share may be disturbing to some, but perhaps familiar to many of you. Too many.

The situation this young doctor describes, of the state of our public hospitals, and the emotional toll of working day after day without the basic resources necessary to help people in need, is the heart-breaking reality that this budget hopes to address.

It is the reality that all of our efforts, as political parties, and as a government, must be concerned with, above all else.

Part of the letter reads:

*Working in a public hospital with way too few resources punches you in the gut every day. It's not just the trauma of seeing your patient die — it's having no gloves in a delivery room; no alcohol swabs to clean wounds; and knowing that nurses stop at the shop on their way to work to buy their own gloves and masks because the clinic has run out. Where waiting times for a scan are months long and surgery delays needlessly let disease progress to the point of being inoperable. It's the limited beds in high care that mean doctors are regularly forced to decide whose life is worth saving more because there's only space for one.*

Madam Speaker, it is for this reason that the budget maintains the expenditure trajectory presented in the March 12 budget.

Addressing the persistent spending pressures to restore critical frontline services and invest in infrastructure is critical for improving access to basic services and lifting economic prospects.

As a result, total allocated spending excluding interest will amount to R6.69 trillion over the medium term.

There is also proposed additional spending of R180.1 billion. This is lower than the R232.6 billion proposed during the March 12 budget.

A breakdown of the sector allocations is as follows:

The provincial education sector baseline over the 2025 MTEF is R1.04 trillion, and R9.5 billion will be added over the medium term to keep teachers in classrooms and hire more staff.

An additional R10 billion has been added to the baseline as announced during the March 12 budget to expand access to early education is kept unchanged.



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This will increase the ECD subsidy from R17 per child per day to R24.

The extra funding will also support increased access to ECD for 700,000 more children, up to the age of five years.

The provincial health sector budget is R845 billion over the medium term.

This budget will be increased by R20.8 billion over three years to employ 800 post-community service doctors and essential goods and services and reduction of accruals.

This increase will also assist the sector in addressing personnel budget pressures.

From April 2025, the old age grant increased by R120 to R2,310 and is set to increase by an additional R10 to R2,320 in October, as originally announced in March.

The COVID-19 social relief of distress will be extended to the end of March 2026.

Government is actively exploring various options to better integrate this grant with employment opportunities.



This includes considering a job-seeker allowance and other measures, as part of the review of Active Labour Market Programmes.

Our goal is to not only provide immediate relief.

It is also to create pathways to employment, empowering our citizens to build better futures for themselves and their families.

We are also reconfiguring funding for the troop deployment to the Democratic Republic of the Congo.

This is in light of the announcement of South Africa's phased withdrawal from the East African country.

In this regard, the R5 billion we had proposed to allocate to the Department of Defence for its participation in the SADC mission in the DRC is reduced.

But the allocation for 2025/26 has been increased from R1.8 billion to R3 billion.

This will cover the immediate costs of an orderly and safe withdrawal of our troops and mission equipment.

Madam Speaker, R1.4 billion is allocated to support the preparations for the upcoming local elections.

R885 million of the allocation is for the Independent Electoral Commission and R550 million for the South African Police Service and the South African National Defence Force to maintain public order.

This investment contributes to upholding the democratic processes and ensuring that every South African can exercise their right to vote in a safe and secure environment.

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This budget also retains the provisional allocations for early retirement, allocations for PRASA and the municipal trading entity reforms announced before, but at a slightly lower level than anticipated in the March 12 budget.

Madam Speaker, the spending choices we are proposing today demonstrate the government's determination to bolster the state capability needed to deliver quality, reliable and sustainable core services.

This is what pillar three of the economic growth strategy is about.

Despite the additional allocations we have made here, there are other long-standing spending pressures that persist but cannot be funded within the current envelope.

This is the nature of policy trade-offs: prioritising what we can do now and what we must postpone and spend on later when our revenue allows.

The spending pressures that may require funding later this year, include:

- The withdrawal of the President's Emergency Plan for AIDS Relief (PEPFAR) funding, particularly through USAID.
- Infrastructure projects in the Budget Facility for Infrastructure (BFI) and the Passenger Rail Agency of South Africa (PRASA) rolling stock fleet renewal programme.
- Accommodating population changes that impact on the provincial equitable share allocations.
- Strengthening capabilities in the Office of the Chief Justice and Statistics South Africa.
- Political party funding and infrastructure provision for royal houses; and
- The National Social Dialogue.



Madam Speaker, the government will also consider government guarantee support to Transnet, to enable the entity to refinance maturing debt, and to enable the execution of its capital investment programme.

## SPENDING EFFICIENCIES

Honourable members, when an economy underperforms, as ours has over the last decade, it generates less tax revenue while requiring increased social spending, widening budget deficits and accelerating debt accumulation.

To be successful, our strategy of maintaining fiscal discipline while investing in growth demands that we prioritise high-impact expenditures.

These are expenditures that deliver economic returns while eliminating inefficiencies, wastage and leakage that too often plague government's spending.

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To tackle this, the National Treasury has undertaken expenditure reviews looking at more than R300 billion in government spending since 2013, with the aim of identifying duplications, waste and inefficiencies.

We found potential savings of R37.5 billion over time through improved oversight and operational changes through these reviews.

Going forward, underperforming programmes will be closed as the 2026 MTEF budget process undergoes redesign.

New reforms will target infrastructure planning and implementation across provinces and municipalities.

A data-driven approach to detecting payroll irregularities will replace the more costly method of using censuses.

This initiative will cross-reference administrative datasets to identify ghost workers and other anomalies across government departments.

Part of the goal of these initiatives is to also remove the regulatory burden on business.

Madam Speaker, to be successful, not just technical solutions are required.

Sustained political backing, at the highest levels, is needed to overcome departmental resistance and to protect whistleblowers who expose irregularities and wastage.

I am happy to say that this political backing has already come from President Cyril Ramaphosa, Deputy President Pau Mashatile, as well as my Cabinet colleagues.

The President has also undertaken to establish a committee between the Presidency and Treasury to identify wasteful, inefficient and underperforming programmes.

I call on Ministers, MECs, DGs, HoDs and every official responsible for public funds to embrace these efforts and play their part.

## **DIVISION OF REVENUE**

Madam Speaker, the division of nationally raised revenue will see R2.4 trillion of total non-interest spending allocated to provinces over the medium term.

Municipalities will receive R552.7 billion over the same period.

The split addresses the fiscal realities faced by provinces and local governments.

The allocations will fund increases in the cost of bulk water and electricity costs provided for free to needy households.

In 2025/26, 83 per cent of the local government equitable share provides a free basic services package of R610 per month to 11.2 million poor households.



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Honourable members, this package of free municipal services continues to be a key tool for reducing poverty and inequality, raising living standards and facilitating access to greater economic opportunities.

The reality is that sustainable local government finance does not depend merely on enforcement mechanisms, but on delivering genuine value to communities.

Declining revenue collection rates are often a function of the quality of the services.

Municipalities must recognise that quality service delivery is not just a constitutional obligation but also the cornerstone of their own financial viability.

## FIGHTING CORRUPTION

Tackling corruption remains a major priority for all arms of government. We are making progress in pushing back against actions that compromise our national interests.

In addressing the scourge of corruption, the National Prosecuting Authority has, through its Asset Forfeiture Unit (AFU) adopted a broader and aggressive anti-corruption strategy that has yielded financial injection to the fiscus.



In the past five years the AFU has recovered over R5 billion paid into the victims of crime and Criminal Asset Recovery Account (CARA).

With regards to state capture related cases, the AFU obtained freezing orders amounting to R14.2 billion with R8 billion recovered and paid to the CARA.

## INFRASTRUCTURE

Madam Speaker, quality infrastructure investment expands the productive capacity of the economy and responds to the diverse needs of the citizens.

Infrastructure is also a rich source of jobs, in construction, engineering, and related industries across a range of skill levels.

It is for these reasons that infrastructure is the fourth pillar of the growth strategy.

And this budget demonstrates our resolve to change the composition of spending from consumption to investment.

Allocations towards capital payments remain the fastest-growing area of spending by economic classification.

Public infrastructure spending over three years will exceed the R1 trillion mark.

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This spending will focus on maintaining and repairing existing infrastructure, building new infrastructure, and acquiring equipment and machinery.

It will focus on three sectors: transport and logistics; energy and water and sanitation.

Of the R402 billion for transport and logistics, R93.1 billion is for the South African National Roads Agency (SANRAL) to keep the 24,000-kilometer national road network in active maintenance and rehabilitation.

R53.1 billion is for the maintenance and refurbishment of provincial roads.

These investments will maintain our extensive road network in good condition allowing easy access and movement of freight and people within the country and beyond.

R66.3 billion is allocated to PRASA, out of which R18.2 billion is for the rolling stock fleet renewal programme and R12.3 billion is provisionally allocated for the renewal of the signaling system.

The spending will sustain progress in rebuilding the infrastructure to provide affordable commuter rail services.



This will enable PRASA to increase passenger trips from 60 million in 2024/25 to 186 million by the end of the MTEF period.

Access to safe, reliable and affordable commuter service is critical for low-income earners who spend more than 50 per cent of their income on transport.

The energy sector will invest R219.2 billion on strengthening the electricity supply network, from generation to transmission and distribution.

This includes investments in renewable energy projects which continue to contribute to stabilising the power supply resulting in reduced loadshedding.

Efforts to connect more renewable energy projects to the grid and expand the transmission network through a multi-line transmission package remain on track.

The water and sanitation sector will spend R156.3 billion on expanding our water resource and service infrastructure including dams, bulk infrastructure to service mines, factories and farms.

Honourable members, maintenance is important to prolong the life of our infrastructure assets, in addition to ensuring that infrastructure services are reliable and not unnecessarily interrupted.

This is the reason our budgets emphasise this aspect in addition to building new infrastructure.

To further support infrastructure delivery and improve spending efficiency, the National Treasury continues to implement reforms that will facilitate greater private sector participation in public infrastructure.

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## PUBLIC-PRIVATE PARTNERSHIPS

The new regulations for public-private partnerships (PPPs) were gazetted earlier this year and will take effect next month.

These will reduce the procedural complexity of undertaking PPPs, increasing the deal flow and allowing government to leverage its limited resources to fast-track infrastructure provision.

The National Treasury has developed enabling guidelines and frameworks to support the new regulations.

Specifically, the unsolicited proposals framework will create clear rules for managing proposals from the private sector. And the framework for fiscal commitments and contingent liabilities will strengthen fiscal risk governance.

These guidelines and frameworks will be published in the next few weeks.

The recently established private sector participation unit of the Department of Transport and Transnet are making progress in engaging the market on PSP projects.

The PSPs will resolve and improve some of the critical logistic bottlenecks in the rail and port networks.

In March, a request for information was issued for the ore, chrome, coal and manganese lines.

In April, a request for qualification was issued for the establishment of an independent rolling stock leasing company.

## BUDGET FACILITY FOR INFRASTRUCTURE

Madam Speaker, the Budget Facility for Infrastructure (BFI) has been effective in supporting quality investments.

It does so by reviewing proposals for feasibility, viability and cost effectiveness.

To date, R52.9 billion in additional funding has been unlocked through this process.

To scale up the success, the BFI has been reconfigured to accept proposals quarterly rather than annually.



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## ALTERNATIVE FINANCING ARRANGEMENTS

In this regard, I am pleased to confirm that the process of issuing our first infrastructure bond in 2025/26 remains intact.

We are also exploring alternative financing instruments to allow pension funds, commercial banks, development banks and international financial institutions to participate in financing our infrastructure plans.

These reforms, Madam Speaker, are how we plan to leverage infrastructure investment to ease supply side constraints to the economy and improve access to social services the people get.

## CONCLUSION

Honourable members today is about delivering on the hope for a better life and a better future.

It is an attempt to meet our shared goals of redistribution, redress and structural transformation.

This budget supports economic activity while raising future economic prospects, directs spending towards the social wage, and invests in state capability and critical infrastructure.

All the while promoting fiscal sustainability, so future generations are not burdened by the decisions we make today.

We are not there yet. But I believe there is consensus in this House and around the country that this is the destination we need to strive for.

The recent events have shown us that political debate is part of any vibrant democracy, and that this is not about differences on these goals, but about how they can be achieved.

The debate and negotiations have deepened our understanding of policy trade-offs and institutional processes, while giving citizens unprecedented visibility into our democracy's evolution.

Negotiation, debate and compromise, as we have seen unfold over the last weeks, has been a necessary, if sometimes painful investment in the productivity of future government reform in the new political environment.

We have all gained a better, deeper appreciation of each other's policy positions and which trade offs each of us is willing to contemplate.

As parliamentarians, we have been forced to gain closer knowledge of the various institutional processes that govern the budget cycle and its passing into law.

The public has had a front-row seat to the growing pains of a vibrant and committed democracy.



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This is a good thing.

Our journey toward national prosperity belongs to every South African.

Speaker, as I close, allow me to express my gratitude to the President and Deputy President in absentia for the wisdom of their counsel and the calm of their leadership. Our country is in safe hands!

My appreciation also goes to the two Deputy Ministers of Finance and the National Treasury team led by the Director-General. They have helped to share the tremendous workload and as they say, "many hands make light work."

Thank you to the Commissioner of the South African Revenue Service and the Governor of the South African Reserve Bank for the care and commitment they have applied to leading these two key institutions.

To my Cabinet colleagues, the Ministers' Committee on the Budget, and the Budget Council, thank you for always standing ready to think through the toughest choices and chart a path forward in the interests of the country.



Thank you to the Chairperson and Commissioners of the Financial and Fiscal Commission for their valuable input.

To the Parliamentary Committees of Finance, Appropriations and Public Accounts, I express my sincere appreciation.

To my beloved wife and family, your patience and unwavering support have sustained me through each challenge. Thank you for walking this path with me.

Lastly, thank you to South African people who continue to entrust their aspirations to us.

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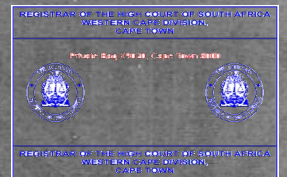
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NATIONAL  
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Department:  
National Treasury  
REPUBLIC OF SOUTH AFRICA

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## OFFICE OF THE TREASURER GENERAL

Mr. Enoch Godongwana  
MINISTER OF FINANCE  
Private Bag X115  
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BY EMAIL

### REJECTION OF FUEL LEVY INCREASE AND REQUEST FOR WITHDRAWAL IN LINE WITH CONSTITUTIONAL AND LEGISLATIVE OBLIGATIONS

1. We write to you on behalf of the Economic Freedom Fighters (EFF) to express our profound disappointment in the conduct and content of the 2025 Budget as tabled on 21 May 2025, specifically regarding your proposal to increase the general fuel levy as a revenue replacement for the withdrawn value-added tax (VAT) increase.
2. It is deeply concerning that despite the unambiguous political and legal rejection of the VAT increase—first introduced as a 2 percentage point increase (from 15% to 17%) in the February 2025 Budget and subsequently revised to 0.5 percentage points (from 15% to 15.5%) in the March 2025 Budget—your Ministry continues to pursue regressive taxation measures with similarly devastating effects on the working class and the poor.
3. Following successful legal challenge by the EFF, the VAT increase was declared invalid and withdrawn. This was not a procedural technicality—it was a substantive rejection of a tax that would have exacerbated the cost-of-living crisis and placed undue pressure on households already struggling with rising food and transport prices, stagnating incomes, and unemployment.
4. Regrettably, instead of pursuing progressive alternative revenue sources or introducing a fiscal stimulus, the National Treasury now proposes to increase the general fuel levy by 16 cents per litre on petrol and 15 cents per litre on diesel, as outlined in the May 2025 Budget Review and confirmed in the Minister's budget speech. These increases are scheduled to come into effect on the 4th of June 2025. This would bring the general fuel levy on petrol to R4.01 per litre and on diesel to R3.85 per litre, reversing the welcome policy stance of the previous two years in which no fuel levy increases were implemented in 2023 and 2024. That freeze served as a critical relief measure for low-income households and transport-reliant workers, offering partial protection from inflationary pressures and fuel price volatility.



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5. This sudden reversal—now couched in the language of regulatory adjustment—constitutes a calculated attempt to bypass parliamentary scrutiny and public consultation. It is a regressive move that replicates the impact of VAT increases under a different label, targeting the same vulnerable segments of society under the false pretext of administrative authority. We therefore reject, with the contempt it deserves, the proposed increase in the fuel levy.

**REGRESSIVE ECONOMIC IMPACT ON THE POOR AND WORKING CLASS**

6. The decision to increase the general fuel levy by 16 cents per litre for petrol and 15 cents per litre for diesel must be understood not in isolation, but within the broader context of South Africa’s worsening socio-economic crisis. This crisis is characterised by record levels of unemployment, stagnating household incomes, rising food inflation, collapsing public transport infrastructure, and deepening poverty. The proposed fuel levy increases—though seemingly modest in nominal terms—will have disproportionate effects on the working class and poor, as they cascade through transport, food, and essential goods pricing.



7. In a society where over 18.2 million people are recipients of social grants, and nearly 45% of the population lives below the upper-bound poverty line, the increase in the fuel levy will have an immediate and cascading effect on the cost of living. Unlike income taxes, the fuel levy is a consumption-based tax. It is not linked to income or wealth, and therefore applies uniformly across all income groups, regardless of ability to pay. This makes it structurally regressive, as it absorbs a greater share of income from poor households than it does from the wealthy.

8. The economic reality is simple: an increase in fuel levies raises transport costs, which are passed directly onto the prices of goods and services—especially food, electricity, and public transport. In the case of low-income households, these categories constitute the bulk of monthly expenditure:

8.1. Transport inflation is already disproportionately affecting the poor. In rural areas, where workers and schoolchildren rely on minibus taxis that cover long distances, fuel costs determine fare increases directly. Taxi associations have already indicated that fare hikes may be unavoidable if this fuel levy increase proceeds.

8.2. Food prices, particularly staples such as maize meal, bread, cooking oil, and fresh produce, are extremely sensitive to fuel prices, due to the long distances between farms, processing centres, and retailers. The Competition Commission’s own Essential Food Pricing Monitoring reports have warned that input cost shocks such as fuel increases lead to “non-transparent, inelastic pricing” that disproportionately harms consumers.

8.3. The impact is particularly severe in areas where household expenditure on transport and food exceeds 50% of income—a situation affecting the vast majority of social grant recipients and informal workers.

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- 9. We must also remind you, Minister, that your own macroeconomic assumptions in the 2025 Budget show household consumption growing by only 1.8%, while real GDP growth remains projected at 1.4%, far below the level required for poverty reduction and employment absorption. Introducing a regressive tax in the form of a fuel levy increase in this context undermines even the modest growth projections of your budget and contradicts your stated intention of stimulating demand-led recovery.
- 10. Moreover, the fuel levy applies not only to private vehicle owners, but to all logistical systems—from food distribution to ambulance and emergency services, from informal traders using delivery vans to public sector service vehicles. Every litre of petrol and diesel carries a built-in cost burden, and that burden is now being deliberately increased, without any protection for the most vulnerable.
- 11. This is, simply put, an attack on the working class disguised as fiscal recovery. There is nothing progressive, efficient, or redistributive about it.



**CONSTITUTIONAL AND LEGAL INVALIDITY OF FUEL LEVY INCREASE BY EXECUTIVE NOTICE**

- 12. Beyond its economic injustice, the proposed fuel levy increase also suffers from a fatal constitutional flaw: it seeks to impose a national tax through executive regulation rather than through a legislative process governed by the Constitution and relevant statutes. This amounts to taxation without representation, an act that undermines the very foundation of South Africa’s democratic order.
- 13. Section 77(1) of the Constitution is unequivocal:
 

*“A Money Bill is a Bill that—(b) imposes national taxes, levies, duties or surcharges...”*
- 14. Section 77(2) further provides that only the National Assembly may pass a Money Bill, and such a Bill may only be introduced by the Minister of Finance, not by executive notice or administrative regulation.
- 15. There is no legal ambiguity here: any new or increased national tax, including fuel levies, must be introduced by way of a Money Bill and subjected to the full process of parliamentary oversight in terms of the Money Bills Amendment Procedure and Related Matters Act, 2009 (the “Money Bills Act”). This includes public hearings, committee deliberations, and National Assembly and NCOP approval.
- 16. The attempt to raise R1.3 billion in 2025/26 through the fuel levy—according to your own May 2025 Budget Overview—is in essence a tax policy shift, not a regulatory adjustment. In fact, the Budget Review document explicitly refers to the levy as part of “fuel taxes on petrol and diesel”, thereby admitting its nature as a tax, not an administrative fee or technical correction. While the amount may appear negligible in macroeconomic terms, the danger lies in the precedent it sets.

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17. If this goes unchallenged, it gives the false impression that the Minister of Finance can unilaterally impose or amend national taxes without parliamentary approval, despite the Constitution clearly reserving that power for the Legislature. Once such overreach is normalised, there will be nothing to prevent the Minister from returning tomorrow with even steeper increases—R2.00, R3.00 or more—without debate, public input, or democratic consent. This not only erodes the legitimacy of the budget process, but fundamentally undermines the rule of law and the constitutional architecture of fiscal governance in South Africa.
18. National Treasury has sought to rely on two Constitutional Court decisions—*Mark Shuttleworth v SARB* and *Nu Africa Duty Free v Minister of Finance*—to justify the regulatory route. This is a misreading of both the legal context and the findings of the Court.
- 18.1. In the *Shuttleworth* case, the Court upheld a 10% exit levy imposed on capital transfers abroad. However, it emphasised that this was a regulatory measure to control capital outflows, not a tax of general application. The levy targeted a small group of high-net-worth individuals for financial stability purposes, and was not part of the general revenue framework.
- 18.2. In the *Nu Africa* case, the Court upheld the Minister’s power to regulate duty-free shops at border posts, ruling that it was an operational decision under the Customs and Excise Act—not a tax measure. It had nothing to do with the imposition or amendment of taxes.
19. In both instances, the Court made it clear that where the effect of a measure is to raise general revenue, and where it applies across the economy or population, such a measure is a tax and must be introduced through legislation. The Court explicitly warned against the abuse of delegated powers to circumvent constitutional processes.
20. Minister, the fuel levy is a national tax, paid by every South African—directly or indirectly. It cannot be increased through a government gazette notice or regulation. To do so is to arrogate unto the Executive powers that are reserved for the Legislature alone. Moreover, the Money Bills Act, which governs the tabling and amendment of money bills, makes no provision for increasing fuel levies through regulation. Any such act will be in direct contravention of this legislation and open to constitutional review.
21. The decision to increase the fuel levy by 16 cents per litre for petrol and 15 cents per litre for diesel without tabling a money bill is therefore unconstitutional, unlawful, and procedurally defective. Regardless of the nominal value of the increase, its nature as a tax of general application means it must be subjected to the legislative process in terms of section 77 of the Constitution. Proceeding via regulation rather than a money bill invites legal challenge, creates fiscal uncertainty, and may render the entire fiscal framework invalid if allowed to proceed.



## POLITICAL CONSEQUENCES AND PROCEDURAL SABOTAGE OF THE 2025 BUDGET PROCESS

22. Minister, it is imperative to highlight that the consequences of this fuel levy increase go beyond its economic regressiveness and legal invalidity. The political and procedural implications are equally severe. By introducing a new tax instrument through administrative means—after the public rejection and legal defeat of the VAT proposal—you have placed the entire 2025 budget process in jeopardy once again.
23. Let us recall the chronology. The original 2025 Budget tabled in February included a 2 percentage point VAT increase. Due to massive public outcry and multiparty opposition, including formal objections by the EFF, the Democratic Alliance, and members of the Standing Committee on Finance, the Minister revised the increase down to 0.5 percentage points in the March Budget Review. Yet that too failed, both politically and legally. The Western Cape High Court declared the adoption of the 2025 Fiscal Framework procedurally unlawful, and the VAT increase was suspended as part of the judicial remedy.
24. Your response—tabling a third budget in May—was an opportunity to correct these missteps and restore public trust in the fiscal process. However, by introducing a fuel levy increase through regulatory notice rather than a money bill, you have repeated the very same error that led to the court's intervention: attempting to impose a nationally binding fiscal measure without legal foundation and without parliamentary scrutiny.
25. This approach threatens to sabotage the already fragile process of passing the 2025 Budget. The Standing Committee on Finance is currently considering the revised Fiscal Framework and Revenue Proposals. Any attempt to enforce a tax increase outside that framework will:
- 25.1. Compromises the integrity of the revenue proposals under consideration;
  - 25.2. Violates section 27 of the Public Finance Management Act, which requires alignment of spending and revenue measures in a coherent fiscal plan;
  - 25.3. Risks fresh litigation from opposition parties, civil society, and labour organisations;
  - 25.4. Jeopardises the Parliamentary programme, which must adopt the Appropriation Bill, Division of Revenue Bill, and Revenue Bills by 31 July 2025 to ensure that government departments and provinces continue to function lawfully;
  - 25.5. Invites rejection of the fiscal framework again, either in the Standing Committee or in the National Assembly plenary, creating a political crisis of fiscal legitimacy.



26. In a multi-party Parliament operating under the shadow of an unstable Government of National Unity (GNU), your decision to bypass legislative consensus on taxation could fatally undermine the delicate balance of political cooperation required to pass a national budget.
27. We further note that the fuel levy increases are set to take effect on the 4<sup>th</sup> of June 2025. By this date, neither the Standing Committee on Finance or the National Assembly will have considered, amended or adopted the Fiscal Framework and Revenue Proposals for 2025.
28. This further illustrates how this attempt at framing a tax measure as a regulatory adjustment represents taxation without representation or any legislative support from Parliament.
29. The repeated failure to respect constitutional limits is not a demonstration of fiscal agility; it is an act of institutional vandalism. It places the burden of correction not on National Treasury, but on Parliament, civil society, and the courts—~~who must~~ once again intervene to restore legal and procedural order.
30. We urge you to act before this matter spirals into another round of procedural breakdowns, budget delays, and governance paralysis.



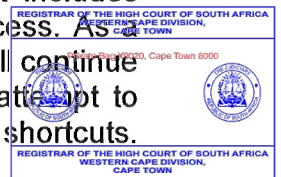
### FORMAL DEMAND FOR WITHDRAWAL AND RESPONSIBLE ALTERNATIVES

31. In light of the foregoing economic, legal, and political arguments, we call on you, Minister, to act with urgency and integrity in safeguarding the legitimacy of South Africa's fiscal process.
32. We hereby formally request that you:
- 32.1. Withdraw the proposed increase of 16 cents per litre for petrol and 15 cents per litre for diesel in the general fuel levy, as announced in the May 2025 Budget, through the submission of a supplementary annexure or erratum to the Standing Committee on Finance;
  - 32.2. Refrain from issuing any Gazette or regulatory notice under the Customs and Excise Act or related instruments for the purpose of implementing this tax measure until it has been lawfully processed via a money bill, in line with section 77 of the Constitution and the Money Bills Amendment Procedure and Related Matters Act, 2009;
  - 32.3. Submit revised revenue proposals that rely on either progressive taxation measures—such as wealth, land, or estate taxes;
33. Appear before the Standing Committee on Finance to provide clarity on the full implications of your revenue strategy and to ensure that no further attempts are made to impose revenue-raising measures through extra-parliamentary means.

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34. These actions must be undertaken before the Standing Committee finalises its report on the 2025 Fiscal Framework and Revenue Proposals. Failure to do so will not only cast doubt on the legal status of the revenue measures contained in the budget, but will once again provoke necessary parliamentary and legal resistance.
35. We remind you that the constitutional obligation of the Executive is not merely to propose fiscal measures—it is to do so lawfully, transparently, and with full regard for the role of Parliament as the only legitimate law-making authority on taxation. Any deviation from this principle is not only unconstitutional, but a betrayal of democratic governance.
36. Let us be clear: the Economic Freedom Fighters reserves its right to seek appropriate relief before a court of law should the Minister proceed with the implementation of this tax measure outside the bounds of the Constitution and applicable legislation. We will not support any fiscal framework that includes regressive taxation measures imposed without due parliamentary process. As a party committed to constitutionalism and transparent governance, we will continue to use all lawful and parliamentary means available to oppose any attempt to introduce austerity measures through executive overreach or regulatory shortcuts.
37. The constitutional deadlines for passing the 2025 Budget are fast approaching. The country cannot afford another fiscal deadlock, nor can it afford the deepening of inequality and economic suffering through unmandated taxation.
38. Minister, it is not too late to correct course. But it begins with the immediate withdrawal of the unlawful fuel levy increase.
39. We further request that the Minister of Finance be directed to provide a written response within 48 hours of receipt of this correspondence, in view of the impending implementation date of 4 June 2025 and the seriousness of the constitutional issues at stake.



Regards

**CMSR. OMPHILE MAOTWE**  
**TREASURER GENERAL**

**DATE: 26 May 2025**

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**From:** Ministry Registry <MINREG@Treasury.gov.za>  
**Date:** Tuesday, 27 May 2025 at 09:46  
**To:** EFF Chief Whip <chiefwhip@effonline.org>, Mfuneko Toyana <Mfuneko.Toyana@treasury.gov.za>, Mary Marumo <Mary.Marumo@treasury.gov.za>, DGRegistry <DGRegistry@treasury.gov.za>  
**Cc:** Ftr Omphile Maotwe <omaotwe@gmail.com>, sinawotambo1@gmail.com <sinawotambo1@gmail.com>, Nontando Nolutshungu <nolutshungunontando@gmail.com>  
**Subject:** RE: EFF LETTER TO THE MINISTER OF FINANCE W.R.T FUEL LEVY INCREASE



Good day,

We acknowledge receipt of the correspondence on behalf of the Minister of Finance, Honourable Enoch Godongwana, MP.

The correspondence shall be availed to the Minister.

Kind Regards

**Teboho Mabena**  
**Office of the Minister**  
**Ministry of Finance**  
**Tel:** (+27) 12 315 5194  
**Fax:** (+27) 12 323 3262



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**From:** EFF Chief Whip <chiefwhip@effonline.org>  
**Sent:** Monday, 26 May 2025 21:00  
**To:** Ministry Registry <MINREG@Treasury.gov.za>; Mfuneko Toyana <Mfuneko.Toyana@treasury.gov.za>; Mary Marumo <Mary.Marumo@treasury.gov.za>; DGRegistry <DGRegistry@treasury.gov.za>  
**Cc:** Ftr Omphile Maotwe <omaotwe@gmail.com>; sinawotambo1@gmail.com; Nontando Nolutshungu <nolutshungunontando@gmail.com>  
**Subject:** Re: EFF LETTER TO THE MINISTER OF FINANCE W.R.T FUEL LEVY INCREASE

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**Important:** This email originated from an external sender. Please do not click on email links or open attachments you did not expect. When in doubt, please contact the ICT Service Desk.

Dear Minister,

We kindly request that you disregard the correspondence sent on **Monday, 26 May 2025** with the subject line *"EFF LETTER TO THE MINISTER OF FINANCE W.R.T FUEL LEVY INCREASE."*

Upon internal review, we have identified a **technical and computational material error** in the content of the originally submitted letter, specifically relating to the figures cited on the proposed fuel levy increase.

Please find attached the **updated and corrected version** of the letter from the **Economic Freedom Fighters Treasurer General and Member of the Standing Committee on Finance, Hon. Omphile Maotwe**, regarding the fuel levy increase



announced during the May 2025 Budget Speech.

We apologise for any inconvenience caused and appreciate your understanding in this matter.

Kind regards,

**Dr. Gumani Tshimomola**

---

**From:** EFF Chief Whip <chiefwhip@effonline.org>

**Date:** Monday, 26 May 2025 at 19:09

**To:** Ministry Registry <minreg@treasury.gov.za>, Mfuneko.Toyana@treasury.gov.za

**Cc:** Ftr Omphile Maotwe <omaotwe@gmail.com>, sinawotambo1@gmail.com <sinawotambo1@gmail.com>, Nontando Nolutshungu <nolutshungunontando@gmail.com>

**Subject:** Re: EFF LETTER TO THE MINISTER OF FINANCE W.R.T FUEL LEVY INCREASE <Mfuneko.Toyana@treasury.gov.za>, Mary.Marumo@treasury.gov.za <Mary.Marumo@treasury.gov.za>, DGRegistry@treasury.gov.za <DGRegistry@treasury.gov.za>

O-C

Dear Minister,

Please disregard the earlier correspondence sent with the subject line concerning the fuel levy increase.

The letter attached to that message contained a **date error**. Kindly find attached the **updated and corrected version** of the letter from the Economic Freedom Fighters Treasurer General and member of the Standing Committee on Finance, Hon. Omphile Maotwe, regarding the fuel levy increase announced during the budget speech.

We apologise for any inconvenience caused.

**From:** EFF Chief Whip <[chiefwhip@effonline.org](mailto:chiefwhip@effonline.org)>

**Date:** Monday, 26 May 2025 at 18:29

**To:** Ministry Registry <[minreg@treasury.gov.za](mailto:minreg@treasury.gov.za)>, [Mfuneko.Toyana@treasury.gov.za](mailto:Mfuneko.Toyana@treasury.gov.za),  
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<[nolutshungunontando@gmail.com](mailto:nolutshungunontando@gmail.com)>

**Subject:** EFF LETTER TO THE MINISTER OF FINANCE W.R.T FUEL LEVY INCREASE



Dear Minister,

Please find attached a letter from the Economic Freedom Fighters Treasurer General and a member of the Standing Committee on Finance Hon. Omphile Maotwe with regards to the fuel levy increase announced during the budget speech.

Regards  
Dr. Gumani Tshimomola  
Cell No: 061 506 8196

**National Treasury EMail Disclaimer**

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