PROCLAMATION NOTICES • PROKLAMASIE KENNISGEWINGS

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 13 **16 April 2021**

PROCLAMATION

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996: REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) (hereinafter referred to as "the Act"), have been made in respect of the affairs of the Central Johannesburg Technical and Vocational Education and Training College (hereinafter referred to as "the CJC");

AND WHEREAS the CJC or the State may have suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the CJC, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged—

(*a*) serious maladministration in connection with the affairs of the CJC;

(*b*) improper or unlawful conduct by officials or employees of the CJC;

(*c*) unlawful appropriation or expenditure of public money or property;

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(*d*) unlawful, irregular or unapproved acquisitive act, transaction, measure or practice having a bearing upon State property;

(*e*) intentional or negligent loss of public money or damage to public property;

(*f*) offence referred to in Parts 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the CJC; or

(*g*) unlawful or improper conduct by any person, which has caused or may cause serious harm to the interests of the public or any category thereof,

which took place between 1 January 2017 and the date of publication of this Proclamation or which took place prior to 1 January 2017 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the CJC or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 30th day of March Two thousand and twenty one.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

RO Lamola
Minister of the Cabinet

SCHEDULE

1. Serious maladministration in the affairs of the CJC in relation to the administration and disbursement of bursary and allowance funding received from the National Student Financial Aid Scheme and the Wholesale and Retail Sector Education and Training Authority, which was administered and disbursed by the CJC and which was—

(*a*) contrary to applicable—

(i) legislation;

(ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or

(iii) manuals, policies, guidelines, procedures, prescripts, instructions or practices of, or applicable to the CJC,

(*b*) fraudulent;

(*c*) conducted or facilitated—

(i) by service providers or other third parties; and

(ii) in collusion with or through the intervention of officials or employees of the CJC,

to corruptly or unduly benefit themselves or others;

including the causes of such maladministration, irregularities or impropriety in the affairs of the CJC or the State, and any related losses or irregular or fruitless and wasteful expenditure incurred by the CJC or the State as result thereof.

2. Any unlawful or improper conduct by—

(*a*) officials or employees of the CJC; or

(*b*) any other person or entity,

in relation to the allegations set out in paragraph 1 of this Schedule.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING

NO. R. 13 **16 April 2021**

PROKLAMASIE

van die

PRESIDENT van die REPUBLIEK van SUID AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996: VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as "die Wet"), gemaak is in verband met die aangeleenthede van die Sentraal Johannesburg Tegniese en Beroepsonderwys- en Opleidingskollege (hierna na verwys as "die SJK");

EN AANGESIEN die SJK of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die SJK, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

(*a*) ernstige wanadministrasie in verband met die aangeleenthede van die SJK;

(*b*) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die SJK;

(*c*) onregmatige bewilliging of besteding van publieke geld of eiendom;

(*d*) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;

(*e*) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;

(*f*) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is in verband met die sake van die SJK; of

(*g*) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2017 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2017 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die SJK of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 30ste dag van Maart Tweeduisend-en-een-en-twintig.

CM Ramaphosa
President

Op las van die President-in-Kabinet

RO Lamola
Minister van die Kabinet

BYLAE

1. Ernstige wanadministrasie in die sake van die SJK met betrekking tot die administrasie en uitbetaling van beurs- en toelaebefondsing ontvang van die Nasionale Finansiële Hulpskema vir Studente en die Groothandel- en Kleinhandelsektor Onderwys- en Opleidingsowerheid, wat deur die SJK geadministreer en uitbetaal is en wat–

(*a*) strydig was met toepaslike —

(i) wetgewing;

(ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die betrokke Provinsiale Tesourie uitgevaardig is; of

(iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die SJK van toepassing is;

(*b*) bedrieglik was;

(*c*) uitgevoer of gefasiliteer—

(i) deur diensverskaffers of ander partye; en

(ii) in samewerking met of deur die inmenging van amptenare of werknemers van SJK,

om hulself of ander korrup of onbehoorlik te bevoordeel;

insluitend die oorsake van sodanige wanadministrasie, onreëlmatighede of onbehoorlikheid in die sake van die SJK of die Staat, en enige verwante verliese of onreëlmatige of vrugtelose en verspilde uitgawes wat deur die SJK of Staat as gevolg daarvan aangegaan is.

2. Enige onbehoorlike of onwettige optrede deur—

(*a*) beamptes of werknemers van die SJK;

(*b*) enige ander persoon of entiteit,

ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.