



Our Ref: Proclamation No. R88 of 2022

Enquiries: Leonard Lekgetho

30 August 2022

Mr. Andile Nongogo

Chief Executive Officer

National Student Financial Aid Scheme

The Halyard

4 Christian Barnard Street

Cape Town City Centre

CAPE TOWN

8001

Per email: mawadaa@nsfas.org.za

Dear Mr. Nongogo

**INVESTIGATION BY THE SPECIAL INVESTIGATING UNIT UNDER AUTHORITY OF
PROCLAMATION NUMBER R88 OF 2022 (AS PUBLISHED IN GOVERNMENT GAZETTE
NO. 46789 DATED 26 AUGUST 2022) IN RELATION TO THE NATIONAL STUDENT
FINANCIAL AID SCHEME (NSFAS)**

1. The SIU was established by the President of the Republic of South Africa under the provisions of section 2(1)(a) of the *Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996)* ("SIU Act").

Pretoria: 74 Watermeyer Street, Rentmeester Building, Meyers Park, 0183 | Eastern Cape: Sanlam Park, 59 Western Avenue, Vincent
KwaZulu-Natal: 214 Dr Pbdoy Kasame Street, Durban Central, Durban, 4001 10th Floor Liberty Towers | Free State: 195 Nelson Mandela Drive, Telkom House
(College Square), Bloemfontein | Mpumalanga: 25 Samora Machel Drive, Mbombela Centre, 4th floor, Mbombela, 1200 | Limpopo: Ground Floor,
Moolman 500 Building, 31 Mark Street, Polokwane, 0070 | Western Cape: 1st Floor, Bytes Technology Building Rampsberg Road Golf Park, Pinelands, 7405
North West: 1st Floor, Protea Office Park, Sekame Road, Mahlang | Mthatha: 13th Floor, PRO Building, Sutherland Street, Mthata, 5100
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2. On 26 August 2022, and with the publication of *Proclamation No. R88 of 2022* ("the relevant Proclamation") as published in *Government Gazette No. 46789* dated 26 August 2022, the honourable President referred certain allegations of impropriety in connection with the affairs of the National Student Financial Aid Scheme ("the NSFAS") to the SIU for investigation. The SIU's terms of reference are apparent from the copy of the relevant Proclamation, which is attached hereto as "Annexure A".
3. The SIU is an independent statutory body that reports to the President on specific proclaimed matters and annually to Parliament on its general performance. In order to ensure the integrity of its investigations, the SIU's independence has been entrenched by statute. Without limiting the generality of the aforementioned, the SIU Act does not allow the SIU to report to or in any way be controlled by the State institution concerned. It is accordingly specifically recorded that the role and responsibilities of the SIU do not:
 - 3.1 include any requirement to:
 - a) report to the State institution concerned; or to
 - b) submit to any requests, measures, requirements, conditions or instructions of the State institution concerned or
 - 3.2 create a relationship of employment, service rendering, partnership, principal-and-agent or trustee-and-beneficiary between the SIU and the State institution concerned.
4. Under the provisions of section 5(1)(b) of the SIU Act, the SIU is obliged to charge and recover fees and expenses from the National Student Financial Aid Scheme ("NSFAS") for all work done under authority of the relevant Proclamation.
5. The SIU is obliged to inform the National Student Financial Aid Scheme "NSFAS" that, under the provisions of section 5(1A) of the SIU Act, if the National Student Financial Aid Scheme "NSFAS" is unable to pay the fees and expenses concerned, it is entitled to submit representations to National Treasury with a view to be exempted from such payment or any part thereof.
6. Monthly invoices submitted by the SIU will indicate the resources employed on the project and the actual hours billed, while supporting any expenditure invoiced.
7. Notwithstanding the content of paragraph 3 above, the SIU will provide progress reports which will enable the NSFAS to settle the invoices concerned.

8. A detailed Letter of Engagement ("LoE") will be drafted and presented to the NSFAS in due course. The LOE will include the cost estimate as well as the period envisaged for completion of the investigation. The LoE will also set out the approach to be followed and the composition of the investigation team.
9. Please do not hesitate to contact our Chief National Investigation Officer, Mr Leonard Lekgetho on 012 843 8534 or at LLekgetho@slu.org.za, should you require any further information or assistance at this stage.
10. Kindly acknowledge receipt of this letter

Yours sincerely,



Adv. J.L. Mothibi

Head of the Special Investigating Unit

ACKNOWLEDGEMENT OF RECEIPT

Proclamation No: R88 of 2022

Kindly complete and sign the section below and hand the signed Receipt Acknowledgement back to the person delivering the Letter of Intent. Alternatively, if the Letter of Intent is sent by email, kindly send the signed Acknowledgement of Receipt to the Special Investigating Unit at email address: LLekgetho@siu.org.za.

A copy of the Letter of Intent addressed to:

Andile Nongogo

Chief Executive Officer

National Student Financial Aid Scheme

The Halyard

4 Christian Barnard Street

Cape Town City Centre

CAPE TOWN

8001

IS RECEIVED BY:

Full Name and Surname of recipient: ANDILE NONGOGO

Identity Number of recipient: 8104035333089

Address where service made: 4 Christian Barnard CPT, 7900

Telephone Number of recipient: 021 763 3200

In the event of service on any person other than the addressee: /

The capacity of such recipient: /

Received at 02 on this 08 day 2022 at 10 h 38 [time].


SIGNATURE OF RECIPIENT