

PROCLAMATION NO. 16 OF 2018

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 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 Media, Information and Communication Technologies Sector Education and Training Authority (hereinafter referred to as "the MICT SETA");

AND WHEREAS the MICT SETA or the State 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;

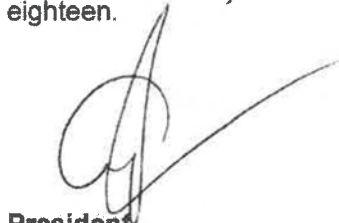
NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule in respect of the MICT SETA, for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31 July 2001 and determine that, for the purposes of the investigation of the 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 MICT SETA;
- (b) improper or unlawful conduct by employees or officials of the MICT SETA;
- (c) unlawful appropriation or expenditure of public money or property;
- (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 MICT SETA; 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 April 2014 and the date of publication of this Proclamation or which took place prior to 1 April 2014 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 MICT SETA 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 Johannesburg this 13 day of May Two thousand and eighteen.



President

By Order of the President-in-Cabinet:



Minister of the Cabinet

SCHEDULE

1. Maladministration in the affairs of the MICT SETA in relation to the allocation of discretionary grant funding to Lylacorp (Pty) Ltd, Network Infracore (Pty) Ltd, Bandwith Technologies, Inforcomm (Pty) Ltd, Hallmark Technologies CC, SPL Communications CC, Centretech Broadcasting CC, Northern Lights Trading, Nashua (Pty) Ltd and Broadband College of Technology and any losses or prejudice suffered by the MICT SETA or the State as a result of such maladministration.

2. Any undisclosed or unauthorised interests which officials or employees of the MICT SETA may have had in Lylacorp (Pty) Ltd, Network Infracore (Pty) Ltd, Bandwith Technologies, Inforcomm (Pty) Ltd, Hallmark Technologies CC, SPL Communications CC, Centretech Broadcasting CC, Northern Lights Trading, Nashua (Pty) Ltd and Broadband College of Technology and the extent of any benefit so derived by such officials or employees of the MICT SETA.

3. Any unlawful or irregular conduct by—

- (a) officials or employees of the MICT SETA; or
- (b) any other person or entity,

relating to the allegations referred to in paragraph 1 of this Schedule.

PROKLAMASIE NO. 16 VAN 2018
van die
PRESIDENT van die REPUBLIEK van SUID AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 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 "Media, Information and Communication Technologies Sector Education and Training Authority" (hierna na verwys as "die MICT SETA");

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

EN AANGESIEN ek dit nodig ag dat die 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 MICT SETA, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doelwinds 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 MICT SETA;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die MICT SETA;
- (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 MICT SETA; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling van die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 April 2014 en die datum van die publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 April 2014 of na die datum van die 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 MICT SETA of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid Afrika te Johannesburg op hede die 13 dag van May Twee duisend-en-agtien.


President

Op las van die President-in-Kabinet:


Minister van die Kabinet

BYLAE

1. Wanadministrasie in die werksaamhede van die MICT SETA en enige verliese of nadeel gely deur die MICT SETA of die Staat as gevolg van wanadministrasie met betrekking tot die toekenning van diskresionêre toelae befondsing aan Lylacorp (Edms) Bpk, Network Infracore (Edms) Bpk, Bandwith Technologies, Inforcomm (Edms) Bpk, Hallmark Technologies BK, SPL Communications BK, Centretech Broadcasting BK, Northern Lights Trading, Nashua (Edms) Bpk en Broadband College of Technology.

2. Enige ongeopenbaarde of ongemagtigde belange wat beamptes of werknemers van die MICT SETA mag gehad het in Lylacorp (Edms) Bpk, Network Infracore (Edms) Bpk, Bandwith Technologies, Inforcomm (Edms) Bpk, Hallmark Technologies BK, SPL Communications BK, Centretech Broadcasting BK, Northern Lights Trading, Nashua (Edms) Bpk en Broadband College of Technology en die omvang van enige voordeel wat sodanige beamptes of werknemers van MICT SETA daaruit bekom het.

3. Enige onwettige of onreëlmatige optrede deur—

(a) beamptes of werknemers van die MICT SETA; of

(b) enige ander persoon of entiteit,

in verband met die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.