

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 84

5 August 2022



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:
UNIVERSITY OF FORT HARE**

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 University of Fort Hare, situated in the Eastern Cape Province (hereinafter referred to as "the University");

AND WHEREAS the University 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 University, 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 University;
- (b) improper or unlawful conduct by officials or employees of the University;

- (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 University; 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 November 2012 and the date of publication of this Proclamation or which took place prior to 1 November 2012 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 University or the State, in relation to the said matters in the Schedule.

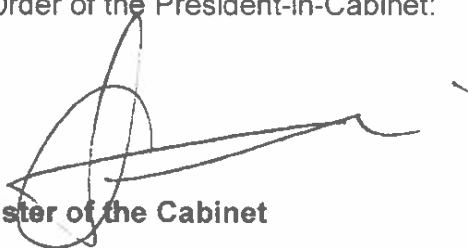
Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 29 day of June Two thousand and twenty two.

President



By Order of the President-in-Cabinet:

Minister of the Cabinet



SCHEDULE

1. The procurement of, or contracting for goods, works or services by, or on behalf of, the University and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective; or
- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the University,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the University in relation to—

- (aa) the appointment of a service provider for cleaning and gardening services during the period 1 November 2012 to 31 July 2019;
- (bb) the leasing of student accommodation since 1 July 2013;
- (cc) the appointment of a service provider for the maintenance and repair of air conditioning systems in terms of bid reference UHF-SCM04/2018; and
- (dd) the collusion between officials of the University and suppliers or service providers in which such officials held direct or indirect interests.

2. Maladministration in the affairs of the University's Faculty of Public Administration in relation to the—

- (a) awarding of honours degrees;
- (b) management of funds; and
- (c) sourcing of public servants for study into various Faculty programmes by an individual for personal gain.

3. Any unlawful or improper conduct by—

- (a) officials or employees of the University;
- (b) suppliers or service providers of the University; or
- (c) any other person or entity,

in relation to the allegations set out in paragraphs 1 and 2 of this Schedule.

JUSTISIE EN STAATKUNDIGE ONTWIKKELING, DEPARTEMENT VAN

NO. R. 84

5 Augustus 2022



van die
PRESIDENT van die REPUBLIEK van SUID AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996:
VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE
ONDERSOEKEENHEID: UNIVERSITEIT VAN FORT HARE**

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 Universiteit van Fort Hare, geleë in die Oos-Kaap Provinsie (hierna na verwys as "die Universiteit");

EN AANGESIEN die Universiteit 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 Universiteit, 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 Universiteit;
- (b) onbehoorlike of onregmatige optrede deur beampptes of werknemers van die

Universiteit;

- (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 Universiteit; 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 November 2012 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 November 2012 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 Universiteit of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die29..... dag vanJunie..... Twee duisend-en-twee-en-twintig.

President



Op las van die President-in-Kabinet

Minister van die Kabinet



BYLAE

1. Die aanskaffing van, of kontraktering vir goedere, werke of dienste deur of namens die Universiteit en betalings ten opsigte daarvan gemaak op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
- (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Universiteit van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur die Universiteit, met betrekking tot—

- (aa) die aanstelling van 'n diensverskaffer vir skoonmaak- en tuindienste gedurende die periode 1 November 2012 tot 31 Julie 2019;
- (bb) die huur van studentehuisvesting sedert 1 Julie 2013;
- (cc) die aanstelling van 'n diensverskaffer vir die instandhouding en herstel van lugversorgingstelsels ingevolge die bodverwysing UHF-SCM04/2018; en
- (dd) die samespanning tussen amptenare van die Universiteit en verskaffers of diensverskaffers waarin sodanige amptenare direkte of indirekte belange gehad het.

2. Wanadministrasie in die sake van die Universiteit se Fakulteit Openbare Administrasie met betrekking tot die—

- (a) toekenning van honneursgrade;
- (b) bestuur van fondse; en
- (c) werwing van staatsamptenare vir studie aan verskillende Fakulteitsprogramme deur 'n individu vir eie gewin.

3. Enige onwettige of onbehoorlike gedrag deur—

- (a) beamptes of werknemers van die Universiteit;
- (b) verskaffers of diensverskaffers van die Universiteit; of
- (c) enige ander person of entiteit,

met betrekking tot die bewerings uiteengesit in paragrawe 1 en 2 van hierdie Bylae.