



## **Embargo: Onmiddellike vrystelling**

### **MEDIAVERKLARING DEUR DIE NASIONALE UITVOERENDE RAAD (NUR) OP DONDERDAG, 8 NOVEMBER 2018**

#### **VERSLAG VAN REGTER WJ HARTZENBERG INSAKE DIE SAOU EN SAEF**

Regter Willem Hartzenberg het op 6 November 2018 sy verslag oor 'n forensiese ondersoek na die werksaamhede van die Suid-Afrikaanse Onderwysersunie (SAOU) aan verteenwoordigers van die Nasionale Uitvoerende Raad van die SAOU oorhandig, en die verslag is op 8 November 2018 deur die Nasionale Uitvoerende Raad aanvaar. Die ondersoek het ses maande geneem om te voltooi. Regter Hartzenberg is deur 'n span bestaande uit forensiese ouditeure en regsliu bygestaan.

Bewerings is deur enkele lede gemaak dat daar finansiële wanbestuur, selfverryking en optredes in weerwil van wetgewing en voorskrifte by die SAOU bestaan, en van hierdie persone het selfs beweer dat die verkiesingsproses van die bestuurstrukture van die Unie nie met demokratiese prosesse bestaanbaar is nie. Die Nasionale Uitvoerende Raad het onmiddellik 'n forensiese ondersoek gelas om sodoende te kon vasstel watter geloofwaardigheid hierdie stellings het.

Op die terrein van finansiële bestuur, sluit forensiese auditbevindinge in dat die SAOU die beginsels van die King-verslae III en IV streng toepas; en dat die SAOU streng korporatiewe dissipline toepas en baie meer doen in hierdie verband as wat voorgeskryf word deur die SAOU konstitusie of deur die Wet op Arbeidsverhoudinge. Die ondersoek het aangedui dat inkomste behoorlik ten boek gestel word, en dat die forensiese ouditeure hoegenaamd niks kon vind wat gedui het op enige wesentliche gebreke of wanbestuur in hierdie verband nie. Een stel bewerings dat die SAOU sy sake binne 'n jaarlikse begrotingsraam van R15 miljoen behoort te kan bestuur, is deur regter Hartzenberg as "ondeurdag en onbegronde" bestempel.

Die verkiesingsprosedures vir verkose leiers is indringend onder die loep geneem, en daar is bevind dat die verkiesing van persone in bestuursposisies demokraties is, en daar kan geen suspisie wees oor hulle verkiesing nie. Aantygings teen die senior bestuur van die unie, wat bewerings oor wanbestuur en selfverryking insluit, is in die geheel deur regter Hartzenberg en sy span weerlê, en daar is beklemtoon dat alle prosesse wat deur die SAOU gevolg word met alle toepaslike voorskrifte, insluitende dié van die Wet op Arbeidsverhoudinge, die King-verslae, en die SAOU se eie Konstitusie versoenbaar is. Daar is ook daarop gewys dat geouditeerde state van die SAOU, wat forensies nagegaan is, nog nooit gekwalifiseer is nie.

Regter Hartzenberg stel dit duidelik dat dit te betwyfel is of negatiewe bewerings rondom die bestuur en bedryf van die SAOU-Groep, veral uit een oord, altruïsties en ten behoeve van die onderwysstelsel en die leerkragte is. Hy wys ook daarop dat die 62 vrae waarop



daar in sy verslag antwoord gegee word, uit een oord afkomstig is en in wese omtrent alle vrae wat deur bekommerde lede geopper is, dek.

Die bevindinge van die verslag deur regter Hartzenberg dui daarop dat daar nie substantiewe redes is vir die aantygings en bewerings wat teen die SAOU en die leierskap gebring is nie. Daar word intendeel bevind dat die standarde van beheer en bestuur wat deur die SAOU gehandhaaf word, besonder streng is. Daar word vertrou dat hierdie bevindinge alle lede van die SAOU die gemoedsrus sal gee dat hulle uniesake steeds in veilige en bekwame hande is, en dat lede wat moontlik kommernisse gehad het nou tot rustigheid sal kan kom.

Die verslag voorsien ook aan die SAOU 'n betroubare basis vir die handeling wat as nodig geag word om onverantwoordelike en ongegronde uitsprake deur enkele lede aan die kaak te stel.

Die volle verslag is op die SAOU se webwerf beskikbaar.

*Uitgereik deur die Nasionale Uitvoerende Raad van die SAOU*

*Navrae aan:*

- *Louw Erasmus: 082-552-6859*
- *Huw Davies: 083-306-9317*





## **Embargo: Immediate release**

### **MEDIA STATEMENT ISSUED BY THE NATIONAL EXECUTIVE COUNCIL OF THE SAOU ON THURSDAY, 8 NOVEMBER 2018**

#### **REPORT BY JUDGE WILLEM HARTZENBERG ON THE SAOU AND SAEF**

On 6 November 2018 Judge Willem Hartzenberg handed over to the National Executive Committee (NEC) his report on a forensic investigation into the activities of the Suid-Afrikaanse Onderwysersunie (SAOU). The Report was accepted by the NEC on 8 November 2018. The investigation took six months to complete. Judge Hartzenberg was assisted by a team consisting of forensic auditors and law practitioners.

A small group of members had made allegations that financial mismanagement, self-enrichment and actions in conflict with legislation and prescripts existed within the SAOU, and some of these persons went so far as to allege that the election processes for management structures of the Union were not consistent with democratic principles. The National Executive Committee immediately ordered a forensic investigation so as to establish to what extent these allegations were credible.

In the focus area of financial management, forensic audit findings include that the SAOU strictly applies the principles of the King III and King IV reports; that the SAOU applies strict corporate discipline, and in this connection does far more than is prescribed both by its own Constitution and the Labour Relations Act. The enquiry established that income is properly accounted for, and that nothing to suggest any material failings or mismanagement in this connection had come to the attention of the forensic auditors. One set of allegations that the SAOU should be able to manage its affairs within an annual budget framework of R15 million was described by Judge Hartzenberg as thoughtless and unfounded.

The procedures for the election of elected leaders were intensely scrutinised. The finding is that the election of persons into governance positions is democratic, and that no suspicion attaches to the manner of their election. Allegations against the senior management of the Union which included mismanagement and self-enrichment were rejected in their entirety by Judge Hartzenberg and his team, and it was emphasised that all the processes followed by the SAOU are consistent with applicable prescripts, including those of the Labour Relations Act, the King reports and the Constitution of the SAOU. It was also emphasised that the audited statements of the SAOU, which were forensically analysed, have never been qualified.

Judge Hartzenberg states clearly that there is doubt as to whether the negative allegations about the management and operations of the SAOU-Group, especially from one source, are altruistic and in the interest of the education system and educators. He also indicated



that the 62 questions which are answered in his report all come from a single source, and in essence cover all the questions raised by the concerned members.

The findings of the report by Judge Hartzenberg indicate that there are no substantive reasons for the allegations and statements which have been made about the SAOU and its leadership. On the contrary, the finding is that the standards of management and governance maintained by the SAOU are particularly strict. It is hoped that these findings will provide all SAOU members with the assurance that their Union affairs are still in safe and competent hands, and that members who may have had concerns will now be reassured.

The report also provides the SAOU with a reliable basis for those actions which are considered necessary to deal with the irresponsible and unfounded allegations which have been made by a few members.

The full report is available on the SAOU website.

*Issued by National Executive Council of the SAOU*

*Enquiries to*

- *Louw Erasmus: 082-552-6859*
- *Huw Davies: 083-306-9317*

