

Additional Information

1. This link provides access to the study of private sector challenges to respond to the new proliferation financing risk assessment obligations. Without appropriate information from government it is very difficult and more expensive to undertake a credible risk assessment:

De Koker, L. (2024). The FATF's Combating of Financing of Proliferation Standards: Private Sector Implementation Challenges. In: Goldbarsht, D., de Koker, L. (eds) *Financial Crime and the Law. Ius Gentium: Comparative Perspectives on Law and Justice*, vol 115. Springer, Cham.
https://doi.org/10.1007/978-3-031-59543-1_6

2. The chair expressed interest in university training models on financial crime. I think it might be of value to consider South African experiences. In 2000 I developed a graduate certificate program at the University of Johannesburg aimed at compliance officers, investigators, prosecutors and supervisors. The content was developed on conjunction with the key stakeholders and over the years more than 3000 officials and compliance officers completed the course under my guidance before I handed it over. I enclose the AML program brochure. It formed part of a post-graduate diploma. It provided training and educational pathways that were otherwise unavailable. It was an initiative that was incubated in the context of Business Against Crime, that was established to support the Mandela government's vision for an inclusive and safer South Africa. The program is still continuing.

What is however particularly important is the integration of AML and anti-fraud as topics into our law and our business curricula. We should ensure that our law students and business students understand the risks, their obligations and appropriate control measures to ensure greater resilience against such offences in Australia.

Kind regards,

Louis de Koker

Professor Louis de Koker (he/him)

B.Iur LLB LLM (UFS) LLM (Cantab) LLD (UFS) FSALS

Professor: La Trobe Law School, Australia

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www.uj.ac.za

Programme in Money Laundering Control



UNIVERSITY
OF
JOHANNESBURG

Faculty of Law

MONEY LAUNDERING

Money laundering is one of the most serious financial offences that can be committed under South African law. Penalties range up to R1 billion and life imprisonment. These offences can be committed negligently by businesses as well as their managers and employees who fail to comply with their duties under the anti-laundering legislation. In practice, it is often challenging to interpret the law correctly and to ensure that the business is compliant. The environment has been made even more challenging by the adoption of related legislation relating to corruption and financing of terrorism. This course was developed to enable students to form an understanding of the law and the practical implications of money laundering control in an international and a national context.

THE NEXT COURSE

In 2000 RAU took the initiative to develop a unique university programme in money laundering control. More than 600 senior regulators, compliance officers, investigators and prosecutors have already completed this programme. Following the establishment of the University of Johannesburg on 1 January 2005, this programme was continued by the new university.

Programme in Money Laundering Control will be presented from February till June 2006. The lectures are compressed into a three day programme and will be presented at the Auckland Park campus of the University of Johannesburg. Students who wish to be awarded the *University of Johannesburg's* prestigious *Programme in Money Laundering Control* will follow a study programme in the following months, will submit assignments and will write a final examination in June 2006.

WHO SHOULD ATTEND?

The course is of particular benefit to compliance officers, investigators and

prosecutors of economic crime, risk managers, company secretaries, internal and external auditors, attorneys, bankers, brokers, casino operators.

The programme is presented at a post-graduate level. Applicants are not required to hold degrees or other qualifications, but, in the absence of relevant formal qualifications, extensive work experience and an ability to participate effectively in a post-graduate programme will be required.

ASSESSMENT AND OUTCOME

Assessment is by assignments, evaluation of participation in discussions and an examination that is written at the end of the course. Students may sit for the examination in a number of different locations in South and Southern Africa. Successful students will be awarded the *University of Johannesburg's Programme in Money Laundering Control*. Students who merely wish to attend all the lectures but do not wish to submit assignments and write the examination will receive a certificate of attendance. However, students are not encouraged to take the latter route as they will derive the most value out of the programme by completing it in its entirety.

TUITION FEES

The tuition fee is **R5, 800.00** [in total] payable in advance which includes free access to the university's library, copies of the relevant study material and a copy of the *KPMG Control Service* (as updated in October 2004). In addition students must budget **R130.00** for the application fee and student card. A registration fee will also be payable on the day of registration.

Non-South African students must please note that an additional levy is payable by international students.

COURSE LEADER

The course leader is Prof Louis de Koker, the Director of the UJ Centre for the Study of Economic Crime. Prof de Koker writes and lectures on money laundering control and related financial crime. He regularly addresses audiences in the United Kingdom, Australia, the USA and Africa on Money laundering compliance.

FURTHER INFORMATION

For further information on the course, contact Prof Louis de Koker at 011 489 2134 or by electronic mail at ldk@regte.rau.ac.za

APPLICATION

Students who wish to register for the programme must submit a completed application form to the University of Johannesburg before Monday, 15 January 2006. The application forms can be obtained from Mrs Hettie Huyser or Mr André Kleynhans who can be contacted at:

University of Johannesburg
Faculty of Law, PO Box 524
Auckland Park, 2006
Tel: 011 489 3739
Fax: 011 489 2399 or by
electronic mail at hch@rau.ac.za

Students who wish to enroll are advised to contact the above persons as soon as possible as the completion and submission of the necessary forms and documentation do require time. Please note that student numbers are restricted to ensure maximum class participation. **Please note further that a place on the programme is only secured once the tuition fees have been paid in full and registration was finalised.**

TOPICS

Topics covered include the following:

1 The development of money laundering control

- Money laundering – basic concepts and stages of money laundering

- Financing of terrorism
- Important international and regional standards and initiatives, including the 2003 FATF Forty Recommendations and the 2004 amendments

2 Money laundering control in South Africa and Southern Africa

- Money laundering trends in South Africa
 - Practical examples
 - Money laundering in different industries and sectors
- The Prevention of Organised Crime Act 121 of 1998 (POCA)
 - A practical analysis of the relevant provisions
- The Financial Intelligence Centre Act 38 of 2001 (FICA) (as amended)
 - An analysis of the impact of the major provisions, the regulations and the exemptions
- Relevant provisions of the Protection of Constitutional Democracy Against Terrorist and Related Activities Act 33 of 2004 (PROCDATRA), the Prevention and Combating of Corrupt Activities Act 12 of 2004 (PRECCA) and the Financial Advisory and Intermediary Services Act 37 of 2002 (FAIS)
- Introduction to confiscation and asset forfeiture

3 Money laundering and the law

- Relevant laws and infrastructure:
 - The abuse of companies, close corporations and trusts
- Money laundering and the criminal law
 - Accessories after the fact
 - Fraud, insider trading and tax evasion
 - Organised crime, racketeering and terrorism
 - Successful money laundering prosecutions in South Africa
- Money laundering and the civil law
 - Misrepresentation

- Client confidentiality and bank secrecy
- Attorney-client privilege
- Money laundering and international laws:
- Extra-territorial jurisdiction of the United States

4 Investigation and compliance

- Methods to detect money laundering
- Sources of illicit money
- Compliance requirements

Practical assignments and discussions are integral to the course. The course also offers an excellent opportunity for those involved in money laundering control to network and to share experiences.

"Important for us to remember is that the fight against money laundering is not some arcane, academic venture. It is not something that only concerns a couple of forensic auditors attempting to reconstruct the paper trails of complex transactions involving the proceeds of crime. It is something that concerns every bank teller and every bank manager in our society. It concerns every attorney and his or her trust account, every life insurance sales person, every estate agent, every car salesperson - in fact every person who deals with the flow of money, and in particular

cash. This is because organized criminals commit crime with only one purpose, namely to make money. And as soon as it becomes too difficult to make dirty money clean, committing organized crime itself will become less attractive."

Mr Bulelani Ngcuka, National Director of Public Prosecutions, in the foreword to *De Koker KPMG Money Laundering Control Service* Butterworths Publishers

This unique programme introduces students to the main aspects of money laundering law, money laundering control, detection, investigation and compliance and is accredited by the Compliance Institute of South Africa.

CenSEC
THE CENTRE FOR THE STUDY OF ECONOMIC CRIME

CONTACT DETAILS

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