

## Curriculum vitae of Adv. Toto Fiduli

### Educational qualifications

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- 2022**            **Gordon Institute of Business Science University of Pretoria**  
Successfully completed **Strategic Leadership Programme**
- 2022**            **University of Pretoria**  
*Masters of Law Constitutional & Administrative Law*  
Dissertation (*Cum Laude*)
- 2017**            **University of South Africa**  
*Forensic and Investigative Auditing Certificate*
- 2012**            **University of Johannesburg**  
*Post graduate Diploma Compliance*  
Compliance Management  
Cooperate Governance & Ethics (*Cum Laude*)  
Money Laundering
- 2005:**            **University of Witwatersrand**  
*Post Graduate Degree in Bachelor of Law*
- 2003**            **University of Witwatersrand**  
*Bachelor of Arts Degree*
- 1999:**            **Batloung High School**  
*National Certificate (Matric- exemption)*

### Professional Experience

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#### **South African Council for the Architectural Profession**

**Position: Registrar July 2019 to date**

#### **Key performance areas**

- Assist Council to develop a strategy, operating model and a business plan to support the strategy and goals.
- To promote SACAP and ensure that its public image and registered persons services standards are excellent.
- Ensure proper Financial Management, prepare and monitor the annual budget, and improve the sustainability of the organisation.

- Assist Council to carry out its powers and functions, to administer its affairs and activities of its committees, establish an effective organisational structure/operating model and introduce effective business processes.
- Develop a competent team and create an organisational culture and performance management system to encourage performance excellence and ensure SACAP achievement of its goals.
- Develop and maintain a risk management framework for the organisation.
- Ensure that the organisation adheres to cooperate governance principles in line with the Kind Codes.

**South African Council for the Architectural Profession**

**Position: Acting Registrar – 01 August 2018- July 2019**

**Key performance areas**

- Assist Council to develop the long term -strategy of SACAP and a four-year business plan to support the strategy and goals.
- Promote SACAP and ensure that its public image and client service standards are excellent.
- Ensure proper Financial Management, prepare and monitor the annual budget, and improve the sustainability of the organisation.
- Assist Council to carry out its powers and functions, to administer its affairs and activities of its committees, establish an effective organisational structure and introduce effective business process.
- Develop a competent team and create an organisational culture and performance management system to encourage performance excellence and ensure SACAP achievement of its goals.
- Develop and maintain a risk framework

**South African Council for the Quantity Surveying Profession**

**Position: Disciplinary Tribunal member: October 2019 to date**

**Key performance areas**

- Preside over the disciplinary hearing tribunal and oversee all administrative matters as well as procedural and substantive matters of the Disciplinary Hearing Tribunal;
- Conduct and adjudicate a fair hearing in accordance with the principle of natural justice;

- Provide a report to Council setting out the findings arising from the Disciplinary Hearing Tribunal within thirty (30) working days after the conclusion of the hearing.

**Department of Social Development**

**Position: Chairperson of the Independent Tribunal for Social Assistance Appeals**

**2015 to 2022.**

**Key performance areas:**

- Preside and hear social assistance appeals against the decisions of the South African Social Security Agency ("SASSA") in terms of section 18 of Social Assistance Act, 2004 (Act No. 13 of 2004).
- Promote access to social assistance through an efficient internal appeal mechanism that is consistent with the constitution of the Republic of South Africa.
- Consider medical assessment undertaken by the Medical Member of the Appeals Tribunals.
- At the conclusion of the appeal, confirm the decision of SASSA and/or set aside the decision of SASSA and/or uphold the appeal and/or vary SASSA's decision.

**South African Council for the Architectural Profession (SACAP)**

**Position: Senior Manager of Legal & Compliance Unit – 1 October 2013 until 01 August 2018.**

**Key performance areas:**

- Provide legal advice to SACAP and ensure compliance with statutory mandate.
- Develop and maintain a Code of Professional Conduct for the architectural profession.
- Develop and maintain complaints handling and investigation procedures.
- Manage the complaints management system and ensure that all cases are uploaded on the system.
- Manage investigation of complaints from the public.
- Manage the gathering of evidence for purposes of determining contravention of the Code of Professional Conduct.
- Quality assure all investigative reports submitted to the Investigating Committee.
- Manage provision of secretarial support to the Investigating Committee.
- Present investigative reports with recommendations to the Investigating Committee.
- Develop and maintain a disciplinary hearing and appeals procedure.
- Prepare and issue disciplinary charges.
- Negotiate settlement agreements with professionals charged with improper conduct.
- Convene disciplinary tribunals to adjudicate charges of improper conduct against registered professionals.

- Manage the disciplinary inquiries and imposition of sanctions as each case requires.
- Develop public advisory notes (and alerts) on issues related to Architectural Professional.
- Develop policies and regulations for the architectural profession.
- Lead special projects and programmes.
- Manage performance and development of staff in the Legal & Compliance Unit.
- Manage the departmental budget and prepare management reports.
- Manage risks within the Unit and ensure that proper controls are in place and ensure continuous monitoring.
- Make presentations at various stakeholder engagements in relation to the public protect mandate of SACAP,
- Draft legal contracts such as Service Level Agreement (SLAs), Employment contracts, Memorandum of Understanding, Consultancy Agreements; Project Management Contracts and the vetting of contracts and agreements.
- Provide legal opinions to the Registrar and Council.

#### **Competition Commission South Africa**

**Position: Investigator – Cartels: 1 February 2011 -30 September 2013**

##### **Key performance areas:**

- Conduct investigations on contraventions of section 4(1)(b) of the Competition Act, Section 4(1)(b) includes price fixing, market allocation and collusive tendering or bid rigging.
- Administer the Competition Commission's Corporate Leniency Programme.
- Evaluate Corporate Leniency Programme applications from firms that admit to the Competition Commission that they have contravened the Competition Act.
- Conduct analysis, and research in terms of the Competition Act.
- Drafting summons or information requests letters during the course of investigations.
- Conduct interrogations in terms of the Competition Act for purposes of extracting evidence and relevant information.
- Conduct field investigations, through interviews and meetings with the relevant stakeholders.
- Ensure accurate preservation and protection of all relevant data and case content for successful investigation and prosecution.
- Gather evidence for purposes of determining contravention of the Competition Act.
- Active analysis and evaluations of cases with team members.
- Draft affidavits, writes reports and prepares referral affidavits for proceedings at the Competition Tribunal.
- Prepare legal opinions on compliance with the Competition Act related inquiries

- Prepare and recommend remedies to the Competition Tribunal for firms involved in contravening the Competition Act.
- Act as a project and team leader for all cases allocated.
- Communicate effectively with the investigation team and management.
- Ensures the protection and confidentiality of information gathered during the investigation.
- Facilitate discussions on lessons learned and areas of concern or challenges encountered throughout the period of investigation to the division staff.

**Competition Commission South Africa**

**Position: Junior Legal Analyst- 1 August 2008- 31 January 2011**

**Key performance areas:**

- Conduct investigation of non-compliance with the Competition Act and analysis to determine any infringements of the Competition Act.
- Responsible for liaising with the Independent Communication Authority South Africa on concurrent jurisdiction matters relating to telecommunications and fostering adherence to the memorandum of agreement between the two regulatory authorities.
- Prepare and make submissions on regulations promulgated by ICASA, e.g., facility leasing guidelines & interconnection guideline.
- Conduct investigations of cases pertaining to Electronic Communications services.
- Conduct interviews, reviews documents and keep an investigation diary
- Draft reports once investigations are completed.
- Presentation of final reports to the Division staff, and facilitating discussions on lessons learned, areas of concern, where to improve and sharing ideas on conducting good investigations.
- Conduct legal & economic research for purposes of investigation of telecommunications cases.
- Active analysis and evaluations of cases with team members.
- Responsible for mentoring graduate trainees

**Competition Commission of South Africa**

**Position: Graduate Trainee- 1 March 2007- 31 July 2008**

**Key performance areas**

- Investigation of complaints, which entails the screening of cases as well as assisting in the investigation of numerous complaints pertaining to the telecommunications and business services sectors

- Conduct and compile legal and economic research into the screening of cases as well taking ownership of research relating to a number of different investigations.
- Take part in active analysis, evaluation and discussion of research undertaken in relation to the complaints with team members.
- Involvement in meetings between the Competition Commission, Complainants, Respondents and other relevant stakeholders.

**South African Revenue Services (Customs & International Relations)**

**Position: Graduate Trainee: 1 July 2006- 28 February 2007**

**Key performance areas:**

- Conduct research on the creation of one border post for Southern African Custom Unions member countries.
- Active participation on prevention of piracy at the South African borders, and the implementation and enforcement of custom legislature in South Africa.
- Helping in developing policy on customs and excise matters and assisting in improving enforcement of customs laws at the border posts.
- Assist in facilitating the Mutual Administrative Assistance with South African trading partners, to help each other fight illegitimate trade our borders.

**Department of Justice and Constitutional development: Labour Court**

**Position: Associate to Judges – 4 May 2006 – 30 June 2006**

**Key performance areas:**

- Prepare files for judges, checking procedural requirements, identifying key issues, and preparing summary of cases.
- Undertake legal research, attendant court with judges, administer oath to witnesses, and make notes in Court.
- Assist judges in carrying out legal work, typing correspondence between parties, edit judgments, notify parties of hand downs judgments.

**Werksmans Attorneys**

**Position: Internship: June/July 2005**

**Key performance areas:** *Undertaking research, legal drafting and consultations with clients.*

**Leadership, Awards and Memberships**

- **Admitted as an Advocate on 1 November 2012** in terms section 3A of Uniform rules of court and the Advocate Act 74 of 1964, and a member of the National Bar Council of South Africa (NBCSA)
- Recipient of the Werksmans Attorneys Scholarship to study at the University of Witwatersrand.
- Founding Member of Ernest Oppenheimer Hall Orators Committee.
- Chairperson of the Ernest Oppenheimer Hall of Residence House Committee.
- Vice Chairperson of Wits Bodybuilding Club.

### **Interests**

Soccer, hiking, cycling, gym, golf, and reading

### **Referees**

#### **Mr Makgale Mohlala**

Competition Commission South Africa

Manager: Cartels Division

#### **Mr Sam Manyathela**

Professional Architect