
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION 151 OF 2024

**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: NORTHERN CAPE ECONOMIC DEVELOPMENT, TRADE AND INVESTMENT PROMOTION AGENCY

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 Northern Cape Economic Development, Trade and Investment Promotion Agency (hereinafter referred to as “the Agency”);

AND WHEREAS the Agency 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 Agency, 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 Agency;
- (b) improper or unlawful conduct by officials or employees of the Agency;
- (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 Agency; 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 March 2012 and the date of publication of the Proclamation or which took place prior to 1 March 2012 or after the date of publication of the 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 the 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 Agency 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 eleventh day of December Two thousand and twenty three.

MC Ramaphosa
President

By Order of the President-in-Cabinet:

RO Lamola
Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for—
 - (a) legal services;
 - (b) event organising and management services;
 - (c) consultancy services;
 - (d) security services;
 - (e) services relating to the Riemvasmaak Tourism Master Plan;
 - (f) catering services; and
 - (g) an audio visual system;by the Agency and payments made in respect thereof in a manner that was—
 - (i) not fair, competitive, transparent, equitable or cost-effective; or
 - (ii) contrary to applicable—
 - (aa) legislation;
 - (bb) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (cc) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Agency,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Agency or losses suffered by the Agency or the State.
2. Serious maladministration in connection with the affairs of the Agency in respect of salary adjustments that were not duly authorised.
3. Any irregular, unlawful or improper conduct by officials or employees of the Agency or any other person or entity, in relation to the allegations as set out in paragraphs 1 or 2 of this Schedule.

PROKLAMASIE KENNISGEWING 151 VAN 2024
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: NOORD-KAAP EKONOMIESE ONTWIKKELING, HANDEL EN BELEGGINGS BEVORDERINGS AGENTSAP

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 aangeleentehede van die Noord-Kaap Ekonomiese Ontwikkeling, Handel en Beleggingsbevorderings Agentskap (hierna na verwys as "die Agentskap");

EN AANGESIEN die Agentskap 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 aangeleentehede in die Bylae vermeld ten opsigte van die Agentskap, 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 aangeleentehede, 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 aangeleentehede van die Agentskap;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Agentskap;
- (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 Agentskap; 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 Maart 2012 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Maart 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 Ondersoekenheid 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 Agentskap of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die elfde dag van Desember Twee duisend-en-drie-en-twintig.

MC Ramaphosa

President

Op las van die President-in-Kabinet:

RO Lamola

Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir—
 - (a) regsdiens;e;
 - (b) geleentheidsbeplanning en bestuursdiens;e;
 - (c) konsultantdiens;e;
 - (d) sekuriteitsdiens;e;
 - (e) diens;e met betrekking tot die Riemvasmaak Toerisme Meestersplan;
 - (f) spysenieringsdiens;e; en
 - (g) 'n audiovisuele stelsel;deur die Agentskap en betalings wat ten opsigte daarvan gemaak is op 'n wyse wat—
 - (i) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie; of
 - (ii) strydig was met toepaslike—
 - (aa) wetgewing;
 - (bb) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of betrokke Provinsiale Tesourie uitgevaardig is; of
 - (cc) handleidings, kodes, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Agentskap van toepassing is, en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat deur die Agentskap aangegaan is of verliese deur die Agentskap of die Staat gely.
2. Ernstige wanadministrasie in verband met die aangeleenthede van die Agentskap ten opsigte van salarisaanpassings wat nie behoorlik gemagtig is nie.
3. Enige onreëlmatige, onwettige of onbehoorlike optrede deur beamptes of werknemers van die Agentskap of enige ander persoon of entiteit, ten opsigte van die bewerings uiteengesit in paragrawe 1 of 2 van hierdie Bylae.