
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION 155 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 AND SPECIAL TRIBUNAL: DEPARTMENT OF PUBLIC WORKS & INFRASTRUCTURE AND HUMAN SETTLEMENTS AND THE FREE STATE PROVINCIAL LEGISLATURE

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 Department of Public Works & Infrastructure and Human Settlements situated in the Free State Province (hereinafter referred to as "the Department") and the Free State Provincial Legislature (hereinafter referred to as "the Provincial Legislature");

AND WHEREAS the Department and the Provincial Legislature 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 Department and the Provincial Legislature, 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 Department and the Provincial Legislature;
- (b) improper or unlawful conduct by employees of the Department and the Provincial Legislature;

- (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 Part 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, and which offences were committed in connection with the affairs of the Department and the Provincial Legislature; 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 2010 and the date of publication of this Proclamation or which took place prior to 1 March 2010 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 Department and the Provincial Legislature 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 11th 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 goods, works and services in relation to the Ramkraal Project by or on behalf of the Department and the Provincial Legislature, and payments made in respect thereof in a manner that was—

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

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department and the Provincial Legislature.

2. Any irregular, unlawful or improper conduct by—

- (a) officials or employees of the Department and the Provincial Legislature;
- (b) applicable service providers of the Department and the Provincial Legislature; or
- (c) any other person or entity,

in relation to the allegations as set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 155 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: DEPARTEMENT VAN OPENBARE WERKE & INFRASTRUKTUUR EN MENSLIKE NEDERSETTINGS EN DIE VRYSTAATSE PROVINSIALE WETGEWER**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as “die Wet”), gemaak is in verband met die aangeleentede van die Departement van Openbare Werke & Infrastruktuur en Menslike NedersettingsVestiging (hierna na verwys as “die Departement”) en die Vrystaatse Provinsiale Wetgewer (hierna na verwys as “die Provinsiale Wetgewer”);

EN AANGESIEN die Departement en die Provinsiale Wetgewer 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 aangeleentede in die Bylae vermeld ten opsigte van die Departement en die Provinsiale Wetgewer, 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 aangeleentede, 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 aangeleentede van die Departement en die Provinsiale Wetgewer;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Departement en die Provinsiale Wetgewer;
- (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 Departement en die Provinsiale Wetgewer; 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 2010 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Maart 2010 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 Departement en die Provinsiale Wetgewer of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 11de dag van Desember Twee duisend--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, goedere, werke of dienste in verband met die Ramkraal Projek deur, of namens die Departement en die Provinsiale Wetgewer en betalings wat ten opsigte daarvan gemaak is op 'n wyse wat—

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

en enige ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement en die Provinsiale Wetgewer aangegaan is.

2. Enige onreëlmatige, onwettige of onbehoorlike optrede deur—

- (a) beamptes of werknemers van die Departement en die Provinsiale Wetgewer;
- (b) betrokke diensverskaffers van die Departement en die Provinsiale Wetgewer; of
- (b) enige ander persoon of entiteit,

met betrekking tot die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.