PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 340 OF 2026

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: NORTH WEST DEPARTMENT OF PUBLIC WORKS AND ROADS

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) ("the Act"), have been made in respect of the affairs of the North West Department of Public Works and Roads ("the Department");

AND WHEREAS the Department or the State 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, 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;

(b) improper or unlawful conduct by the employees or officials of the Department;

(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 Department; 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 9 March 2021 and the date of publication of this Proclamation or which took place prior to 9 March 2021 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 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 ....Pretoria..... this .....03..... day of ..August.... Two thousand and twenty-six.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

SCHEDULE

1. The procurement of or contracting for goods, works or services by or on behalf of the Department in respect of Bid Number PWR 89/13: Special Maintenance of Road P152/1 from Setlagole to P34/4 in Delareyville 58km (Phase ii- 28km), and payments made in respect thereof in a manner that was—

(a) not fair, competitive, transparent, equitable or cost-effective;

(b) contrary to applicable—

(i) legislation;

(ii) manuals, guidelines, practice notes, circulars 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;

(c) characterised by improper or unlawful conduct by the officials, employees or agents of the Department, or any other person or entity, to corruptly or unduly benefit themselves or any other person or entity; or

(d) fraudulent,

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

2. Any improper or unlawful conduct by the officials or employees of the Department or the service providers in question, or any other person or entity, in relation to the allegations set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 340 VAN 2026

deur 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 EN SPESIALE TRIBUNAAL: NOORDWES DEPARTEMENT VAN OPENBARE WERKE EN PAAIE

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet op No. 74 van 1996) (hierna "die Wet" genoem), gemaak is ten opsigte van die sake van die Noordwes Departement van Openbare werke en Paaie ("die Departement" genoem);

EN AANGESIEN die Departement of die Staat moontlik verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die vermelde bewerings ondersoek moet word en siviele verrigtinge wat uit sodanige ondersoek voortspruit, bereg moet word;

DERHALWE verwys ek nou, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Departement, 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 aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om ondersoek in te stel, soos in die Wet beoog, na enige beweerde—

(a) ernstige wanadministrasie in verband met die sake van die Departement;

(b) onbehoorlike of onwettige gedrag deur die werknemers van die Departement;

(c) onregmatige bewilliging of besteding van publieke geld of eiendom;

(d) onwettige, onreëlmatige of niegoedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;

(e) opsetlike of nalatige verlies van 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; of

(g) onregmatige 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 9 Maart 2021 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 9 Maart 2021 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 of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te ...Pretoria... op hede die ...3..... dag van August Tweeduisend-ses-en-twintig.

President

Op las van die President- in- Kabinet:

Minister van die Kabinet

Bylae

1. Die verkryging van, of kontraktering vir goedere, werke of dienste deur of namens die Departement te aansien van Bodnommer PWR 89/13: Spesiale Onderhoud van pad P152/1 vanaf Setlagole na P34/4 in Delareyville 58km (Fase ii- 28km) en betalings gemaak te aansien daarvan in 'n wyse wat—
   (a) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie;
   (b) strydig was met toepaslike—
      (i) wetgewing;
      (ii) handleidings, riglyne, praktyknotas, omsendbriewe of instruksies wat deur die Nasionale Tesourie, of waar toepaslik, die tersaaklike Provinsiale Tesourie, uitgevaardig is;
      (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of van toepassing op, die Departement;
   (c) gevoer is of vergemaklik is deur die onregmatige of onbehoorlike gedrag van—
      (i) werknemers, amptenare of agente van die Munsipaliteit; of
      (ii) enige ander persoon of entiteit,
      om hulself of ander op 'n korrupte wyse of ten onregte te bevoordeel; of
   (d) bedrieglik was,

   en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes deur die Departement of die Staat aangegaan.
2. Enige onwettige of onbehoorlike gedrag deur die beamptes of werknemers van die Departement, of toepaslike diensverskaffers of enige ander person of entiteit met betrekking tot die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.