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PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 26 OF 2019**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**

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 Justice and Constitutional Development (hereinafter referred to as "the Department") and the Independent Development Trust (hereinafter referred to as "the IDT");

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 and the IDT, 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 these 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 or the IDT;
- (b) improper or unlawful conduct by the employees or officials of the Department or the IDT;
- (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 the IDT; 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 22 October 2007 and the date of publication of this Proclamation or which took place prior to 22 October 2007 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 Johannesburg this 7th day of June Two thousand and nineteen.

CM Ramaphosa

President

By Order of the President-in-Cabinet:

TM Masutha

Minister of the Cabinet

SCHEDULE

1. Maladministration and/or irregular, improper or unlawful conduct in connection with the affairs of the Department or the IDT in relation to—

- (a) the construction of the Limpopo High Court, Mpumalanga High Court, the Plettenberg Bay Magistrate's Court, the Booysens Magistrate's Court, the Richards Bay Magistrate's Court, the Goodwood Magistrate's Court, the Simunye Magistrate's Court and the Tsineng Periodical Court;
- (b) the acquisition of land for the Mpumalanga High Court;
- (c) the number of court rooms which were built during the construction of the Plettenberg Bay Magistrate's Court;
- (d) the procurement and provision of—
 - (i) court room furniture; or
 - (ii) goods or services; or
- (e) contract and performance management, including any failure to act or to act timeously against professional consultants, agents, contractors, suppliers or service providers for any non-performance, poor performance, defective performance or late performance in respect of goods, works or services delivered, performed or rendered in terms of paragraph (a), (b) or (c),

in terms of the "Construction of New Courts Programme" of the Department and any related unauthorised, irregular or fruitless and wasteful expenditure which the Department or the State incurred or may incur as a result thereof, including the causes of such —

- (i) maladministration and/or irregular, improper or unlawful conduct; and
- (ii) unauthorised, irregular or fruitless and wasteful expenditure.

2. Any non-performance, poor performance, defective performance or late performance by the IDT, or professional consultants, agents, contractors, suppliers or service providers appointed by the IDT, in respect of goods, works or services delivered, performed or rendered in terms of paragraph 1(a), (b), (c) or (d) of this Schedule and any losses or damages which the Department or the State suffered or may suffer as result thereof.

3. The acquisition of land for the Mpumalanga High Court in a manner that was—

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

- (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury; or
- (c) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department or the IDT,
and any related unauthorised, irregular or fruitless and wasteful expenditure which the Department or the State incurred as a result thereof.

4. Any unlawful, improper or irregular conduct by—
- (a) the Department, the IDT, their officials, employees or agents or any other person relating to the allegations set out in paragraphs 1 to 3 of this Schedule;
or
 - (b) the contractors, suppliers or service providers, their directors, employees, contractors, sub-contractors or agents appointed by the IDT relating to the allegations set out in paragraph 2 of this Schedule.

PROKLAMASIE NO. R. 26 VAN 2019
van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE,
1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENT-
HEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE
TRIBUNAAAL**

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 aangeleenthede van die Departement van Justisie en Staatkundige Ontwikkeling (hierna na verwys as "die Departement") en die Onafhanklike Ontwikkelings Trust (hierna na verwys as "die OT");

EN AANGESIEN die Departement 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 aangeleenthede in die Bylae vermeld, ten opsigte van die Departement en die OT, 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 soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement of die OT;
- (b) onbehoorlike of onregmatige optrede deur die werknemers of beamptes van die Departement of die OT;
- (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 of die OT; 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 22 Oktober 2007 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 22 Oktober 2007 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 Johannesburg op hede die 7 dag van Junie Twee duisend-en-negentien.

CM Ramaphosa

President

Op las van die President-in-Kabinet:

TM Masutha

Minister van die Kabinet

BYLAE

1. Wanadministrasie en/of onreëlmatige, onbehoorlike of onwettige optrede ten opsigte van die aangeleenthede van die Departement of die OT in verband met—

- (a) die konstruksie van die Limpopo Hooggeregshof, Mpumalanga Hooggeregshof, die Plettenbergbaai Landdroshof, die Booyens Landdroshof, die Richardsbaai Landdroshof, die Goodwood Landdroshof, die Simunye Landdroshof en die Tsineng Periodieke Hof;
- (b) die verkryging van grond vir die Mpumalanga Hooggeregshof;
- (c) die aantal hofsale wat tydens die konstruksie van die Plettenbergbaai Landdroshof gebou is;
- (d) die aanskaffing en verskaffing van—
 - (i) hof meublement; of
 - (ii) goedere of dienste; of
- (e) kontrak en prestasiebestuur, insluitende enige versuim om op te tree of om betyds op te tree teen professionele konsultante, agente, kontrakteurs, verskaffers of diensverskaffers vir enige wanprestasie, onder-prestasie, defektiewe prestasie of laat prestasie ten opsigte van goedere, werke of dienste gelewer, uitgevoer of verrig ingevolge paragraaf (a), (b) of (c),

ingevolge die “Construction of New Courts Programme” van die Departement en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes wat die Departement of die Staat aangegaan het of mag aangaan as gevolg daarvan, insluitende die oorsake van sodanige—

- (i) wanadministrasie en/of onreëlmatige, onbehoorlike of onwettige optrede; en
- (ii) ongemagtigde, onreëlmatige of vrugtelose en verspilte uitgawes.

2. Enige wanprestasie, onder-prestasie, defektiewe prestasie of laat prestasie deur die OT, of professionele konsultante, agente, kontrakteurs, verskaffers of diensverskaffers wat deur die OT aangestel is, ten opsigte van goedere, werke of dienste gelewer, uitgevoer of verrig ingevolge paragraaf 1(a), (b), (c) of (d) van hierdie Bylae en enige verliese of skade wat die Departement of die Staat gely het of mag ly as gevolg daarvan.

3. Die aanskaffing van grond vir die Mpumalanga Hooggeregshof op 'n wyse

wat—

- (a) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie; of
- (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, omsendskrywes, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
- (c) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement of die OT van toepassing is, en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat die Departement of die Staat opgedoen het as gevolg daarvan.

4. Enige onwettige, onbehoorlike of onreëlmatige optrede deur—

- (a) die Departement, die OT, die se beamptes, werknemers of agente of enige ander persoon ten opsigte van die bewerings uiteengesit in paragrawe 1 tot 3 van hierdie Bylae; of
- (b) die kontrakteurs, verskaffers of diensverskaffers, die se direkteure, werknemers, kontrakteurs, sub-kontrakteurs of agente wat deur die OT aangestel is ten opsigte van die bewerings uiteengesit in paragraaf 2 van hierdie Bylae.

PROCLAMATION NO. R. 27 OF 2019

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): AMENDMENT OF PROCLAMATION NO. R. 22 OF 2016

Under section 2(4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), I hereby amend Proclamation No. R. 22 of 2016—

- (a) by the further extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of this Proclamation; and
- (b) by the addition of the following paragraphs after paragraph 2 of the Schedule to the Proclamation:

“3. The appointment of a service provider by Lepelle Northern Water to render engineering consulting services to Lepelle Northern Water in respect of the raising of the Tzaneen Dam and payments which were made by Lepelle Northern Water to the service provider in a manner that was—

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

(b) contrary to applicable—

(i) legislation;

(ii) manuals, guidelines, practice notes or instructions issued by the National Treasury; or

(iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to Lepelle Northern Water,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by Lepelle Northern Water.

- 4. Any unlawful or improper conduct by employees of Lepelle Northern Water, the applicable service provider, or any other person or entity in relation to the allegations set out in paragraph 3 above.”.

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 7th day of June Two thousand and Nineteen.

**CM RAMAPHOSA
President**

By Order of the President-in-Cabinet:

**TM MASUTHA
Minister of the Cabinet**

PROKLAMASIE NO. R. 27 VAN 2019**van die
PRESIDENT van die REPUBLIEK van SUID AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET NO. 74 VAN 1996): WYSIGING VAN PROKLAMASIE NO. R. 22 VAN 2016**

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 22 van 2016, deur—

- (a) die verlenging van die tydperk vermeld in die vierde paragraaf van die Proklamasie tot die datum van publikasie van hierdie Proklamasie;
- (b) die byvoeging van die volgende paragrawe na paragraaf 2 van die Bylae tot die Proklamasie:

“3. Die aanstelling van ‘n diensverskaffer deur Lepelle Northern Water om ingenieurskonsultasie-dienste te lewer aan Lepelle Northern Water ten opsigte van die verhoging van die Tzaneen Dam en betalings wat in verband daarmee gemaak is op ‘n wyse wat—

- (i) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie;
- (ii) strydig was met toepaslike—
 - (aa) wetgewing;
 - (bb) handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
 - (cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op Lepelle Northern Water van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur Lepelle Northern Water opgedoen was.

4. Enige onwettige of onreëlmatige gedrag deur werknemers van Lepelle Northern Water, die toepaslike diensverskaffer of enige ander persoon of entiteit ten opsigte van die bewerings soos in paragraaf 3 van hierdie Bylae uiteengesit.”.

Gegee onder my Hand en die Seël van die Republiek van Suid Afrika te Johannesburg. op hede die 7 dag van Junie Tweeduisend-en-negentien.

CM RAMAPHOSA
President

Op las van die President-in-Kabinet:

TM MASUTHA
Minister van die Kabinet

PROCLAMATION NO. R. 28 OF 2019

**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

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 Water and Sanitation (hereinafter referred to as "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 1 January 2016 and the date of publication of this Proclamation or which took place prior to 1 January 2016 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 Johannesburg this 7th day of June Two thousand and nineteen.

CM RAMAPHOSA

President

By Order of the President-in-Cabinet:

TM MASUTHA

Minister of the Cabinet

SCHEDULE

1. The appointment by the Department of a service provider under Contract Number 1/2/4/25/2017/1/NWRI/MIHLOTI for a period of eighteen months to render services for the emergency upgrading of the Thukela Goedertrouw Transfer Scheme and payments made in respect thereof in a manner that was—

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

and any—

- (aa) related unauthorised, irregular or fruitless and wasteful expenditure incurred by; or
- (bb) resulting loss or prejudice suffered by,

the Department or the State, as a result thereof.

2. Any unlawful or improper conduct by—

- (a) employees or officials of the Department;
- (b) the service provider referred to in paragraph 1 of this Schedule, its directors, employees or agents; or
- (c) any other person or entity,

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

PROKLAMASIE NO. R. 28 VAN 2019**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**

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 aangeleentheid van die Departement van Water en Sanitasie (hierna na verwys as "die Departement");

EN AANGESIEN die Departement 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 aangeleentheid 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 aangeleentheid, 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 aangeleentheid van die Departement;
- (b) onbehoorlike of onregmatige optrede deur die werknemers of beamptes van die Departement;

- (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; 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 Januarie 2016 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2016 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 Johannesburg op hede die 7 dag van Junie Twee duisend-en-negentien.

CM RAMAPHOSA

President

Op las van die President-in-Kabinet:

TM MASUTHA

Minister van die Kabinet

BYLAE

1. Die aanstelling van 'n diensverskaffer kragtens Kontrak Nommer 1/2/4/25/2017/1/NWRI/MIHLOTI vir 'n tydperk van agtien maande om dienste te verskaf vir die noodopgradering van die Thukela Goedertrouw Oordragskema en betalings wat in verband daarmee gemaak is op 'n wyse wat—

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

en enige—

- (aa) verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur; of
- (bb) gevolglike verliese of nadeel wat gely is deur,

die Departement of die Staat, as gevolg daarvan.

2. Enige onwettige of onbehoorlikeoptrede deur—

- (a) werknemers of beamptes van die Departement;
- (b) die diensverskaffer waarna verwys word in paragraaf 1 van hierdie Bylae, die se direkteure, werknemers of agente; of
- (c) enige ander persoon of entiteit,

ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.

PROCLAMATION NO. R. 29 OF 2019
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

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 Council for Medical Schemes, established by section 3 of the Medical Schemes Act, 1998 (Act No. 131 of 1998) (hereinafter referred to as "the Council");

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 Council, 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 Council;
- (b) improper or unlawful conduct by employees or officials of the Council;
- (c) 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 Council; or
(d) 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 January 2014 and the date of publication of this Proclamation or which took place prior to 1 January 2014 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 matters 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, 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 13th day of June Two thousand and nineteen.

CM Ramaphosa

President

By Order of the President-in-Cabinet:

TM Masutha

Minister of the Cabinet

SCHEDULE

1. Maladministration in connection with the affairs of the Council in relation to regulatory interventions which were conducted by the Council in terms of the Medical Schemes Act, 1998 (Act No. 131 of 1998), including the causes of such maladministration.

2. Any irregular, improper or unlawful conduct by—

- (a) the employees or officials of the Council; or
- (b) any other person or entity,

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

PROKLAMASIE NO. R. 29 VAN 2019
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**

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 aangeleentede van die Raad op Mediese Skemas, ingestel ingevolge artikel 3 van die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998) (hierna na verwys as "die Raad");

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 Raad, 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 Raad;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van die Raad;
- (c) 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 Raad; of

- (d) 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 Januarie 2014 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2014 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 aangeleenthede 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.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 13 dag van Junie Twee duisend-en-negentien.

CM Ramaphosa

President

Op las van die President-in-Kabinet:

TM Masutha

Minister van die Kabinet

BYLAE

1. Wanadministrasie in verband met die aangeleenthede van die Raad ten opsigte van regulatoriese ingrypings wat deur die Raad uitgevoer was ingevolge die Wet op Mediese Skemas, 1998 (Wet No. 131 van 1998), insluitend die oorsake van sodanige wanadministrasie.

2. Enige onreëlmatige, onbehoorlike of onwettige optrede deur—

- (a) die werknemers of beamptes van die Raad; of
- (b) enige ander persoon of entiteit,

wat verband hou met die bewerings waarna verwys word in paragraaf 1 van hierdie Bylae.

PROCLAMATION NO. R. 30 OF 2019**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**

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 North West Development Corporation (hereinafter referred to as "the NWDC");

AND WHEREAS the NWDC 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 NWDC, 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 NWDC;
- (b) improper or unlawful conduct by officials or employees of the NWDC;
- (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 NWDC; 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 January 2015 and the date of publication of this Proclamation or which took place prior to 1 January 2015 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 NWDC 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 7th day of June Two thousand and Nineteen.

CM RAMAPHOSA

President

By Order of the President-in-Cabinet:

TM MASUTHA

Minister of the Cabinet

SCHEDULE

1. The procurement of or contracting for goods, works or services by or on behalf of the NWDC 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 NWDC;
- (c) fraudulent; or
- (d) conducted by or facilitated through the improper conduct of—
 - (i) officials or employees of the NWDC;
 - (ii) contractors, suppliers or service providers of the NWDC or their sub-contractors; or
 - (iii) any other person or entity,

to corruptly or unduly benefit themselves or any other person or entity, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the NWDC or the State or any resulting loss or damages suffered by NDWC or the State in relation to the appointment of—

- (aa) MVEST Trust in terms of a service level agreement to implement the Youth Enterprise Combo; or
- (bb) Naphtronics (Pty) Ltd to render security services to the NWDC.

2. Maladministration in the affairs of the NWDC and any losses or prejudice suffered by the NWDC or the State as a result of such maladministration in relation to the—

- (a) purchase of Christiana Hotel and Game Farm; or
- (b) establishment of Tokiso Security Services SOC Ltd as a subsidiary of the NWDC,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the NWDC or the State, including the causes of such maladministration.

3. Any unlawful or improper conduct by officials or employees of the NWDC, the applicable contractors, suppliers or service providers or their sub-contractors or any other person or entity in relation to the allegations set out in paragraphs 1 and 2 of this Schedule.

PROKLAMASIE NO. R. 30 VAN 2019
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**

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 aangeleenthede van die Noord- Wes Ontwikkelingskorporasie (hierna na verwys as die "NWOK");

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

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele verrigtinge voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die NWOK, 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, dit 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 aangeleenthede van die NWOK;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die NWOK;
- (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 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 in verband met die sake van die NWOK gepleeg is; 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 Januarie 2015 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2015 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 NWOK of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 7 dag van Junie Twee duisend-en-negentien.

CM RAMAPHOSA

President

Op las van die President-in-Kabinet:

TM MASUTHA

Minister van die Kabinet

BYLAE

1. Die aanskaffing van of kontraktering vir goedere, werke of dienste deur of namens die NWOK en betalings wat in verband daarmee gemaak is op 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, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die NWOK van toepassing is;
- (c) bedrieglik was; of
- (d) gedoen of gefasiliteer was deur die onbehoorlike optrede van—
 - (i) beamptes of werknemers van die NWOK;
 - (ii) kontrakteurs, verskaffers of diensleweraars van die NWOK of hul subkontrakteurs; of
 - (iii) enige ander persoon of entiteit, om hulself of 'n ander persoon of entiteit op 'n korrupte of onbehoorlike wyse te bevoordeel,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat deur die NWOK of die Staat aangegaan is of enige gevolglike verliese of nadeel wat die NWOK of die Staat gely het ten opsigte van die aanstelling van—

- (aa) MVEST Trust ingevolge 'n diensleweringsooreenkoms om die "Youth Enterprise Combo" te implementeer; of
- (bb) Naphtronics (Edms) Beperk om sekuriteitsdienste aan die NWOK te verleen.

2. Wanadministrasie in verband met die aangeleenthede van die NWOK en enige verliese of nadeel wat die NWOK of die Staat gely het as gevolg van sodanige wanadministrasie ten opsigte van die —

- (a) aankoop van Christiana Hotel en Wildsplaas; of
- (b) stigting van die "Tokiso Security Services SOC Ltd" as 'n filiaalmaatskappy van die NWOK,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die NWOK of Staat aangegaan is, insluitend die oorsake van sodanige wanadministrasie.

3. Enige onwettige of onbehoorlike gedrag deur beamptes of werknemers van die NWOK, die toepaslike kontrakteurs, verskaffers of diensleweraars of hul subkontrakteurs of enige ander persoon of entiteit ten opsigte van die bewerings uiteengesit in paragrawe 1 en 2 van hierdie Bylae.

PROCLAMATION NO. R. 31 OF 2019

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): AMENDMENT OF PROCLAMATION NO. R. 2 OF 2018

Under section 2(4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), I hereby amend Proclamation No. R. 2 of 2018—

- (a) by the extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of this Proclamation; and
- (b) by the substitution in paragraph 1 of the Schedule to the Proclamation for sub-items (aa) to (ff) of the following sub-items:
 - (aa) Scholar Transport tender number PWRT 029/10;
 - (bb) Grass cutting tender number PWRT 02/11;
 - (cc) Road D52 and Road D53 tender number NWRT 58/08A;
 - (dd) Road D542 tender number NWRT 59/08C;
 - (ee) Road D1169 tender number NWRT 61/08A;
 - (ff) Road D614 tender number NWRT 58/08B;
 - (gg) Road D313 tender number PWRT 119/12;
 - (hh) Road D3492 tender number PWRT 123/12;
 - (ii) Road D327 tender number PWRT 120/12;
 - (jj) Road D413 tender number PWRT 52/13;
 - (kk) Road P34/2 tender number PWRT 71/11B;
 - (ll) Tender number PWRT 139/12 (A-D);
 - (mm) Tender number NTI/RFT 06/2016; or
 - (nn) Tender number PWRT 045/09."

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this 7th day of June Two thousand and nineteen.

**CM Ramaphosa
President**

By Order of the President-in-Cabinet:

**TM Masutha
Minister of the Cabinet**

PROKLAMASIE NO. R. 31 VAN 2019
van die
PRESIDENT van die REPUBLIEK van SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): WYSIGING VAN PROKLAMASIE NO. R. 2 VAN 2018

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 2 van 2018, deur—

- (a) die verlenging van die tydperk vermeld in die vierde paragraaf van die Proklamasie tot die datum van publikasie van hierdie Proklamasie; en
- (b) die vervanging in paragraaf 1 van die Bylae tot die Proklamasie van sub-items (aa) tot (ff) met die volgende sub-items:
 - (aa) "Scholar Transport tender number PWRT 029/10";
 - (bb) "Grass cutting tender number PWRT 02/11";
 - (cc) "Road D52 and Road D53 tender number NWRT 58/08A";
 - (dd) "Road D542 tender number NWRT 59/08C";
 - (ee) "Road D1169 tender number NWRT 61/08A";
 - (ff) "Road D614 tender number NWRT 58/08B";
 - (gg) "Road D313 tender number PWRT 119/12";
 - (hh) "Road D3492 tender number PWRT 123/12";
 - (ii) "Road D327 tender number PWRT 120/12";
 - (jj) "Road D413 tender number PWRT 52/13";
 - (kk) "Road P34/2 tender number PWRT 71/11B";
 - (ll) "Tender number PWRT 139/12 (A-D)";
 - (mm) "Tender number NTI/RFT 06/2016"; of
 - (nn) "Tender number PWRT 045/09".

Gegee onder my Hand en die Seël van die Republiek van Suid Afrika te Johannesburg op hede die 7 dag van Junie Tweeduisend-en-negentien.

CM Ramaphosa

President

Op las van die President-in-Kabinet:

TM Masutha

Minister van die Kabinet

PROCLAMATION NO. R. 32 OF 2019**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**

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 Denel SOC Ltd and business divisions in which Denel is a majority shareholder (hereinafter jointly referred to as "Denel") ;

AND WHEREAS Denel 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 Denel, 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 Denel;
- (b) improper or unlawful conduct by the employees or officials of Denel;
- (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 Denel; 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 January 2015 and the date of publication of this Proclamation or which took place prior to 1 January 2015 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 Denel 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 7th day of June Two thousand and Nineteen.

CM RAMAPHOSA

President

By Order of the President-in-Cabinet:

TM MASUTHA

Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for—
 - (a) IT security assessment services;
 - (b) services to develop a white paper relating to the validity of advance payment bank guarantees on all contracts entered into by Denel and the Armaments Corporation of South Africa SOC Ltd;
 - (c) legal services; or
 - (d) steel fabrication services and steel fabricated goods,by or on behalf of Denel, 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
 - (cc) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to Denel,and any related losses or irregular or fruitless and wasteful expenditure incurred by Denel or the State as a result thereof.

2. The awarding of bursaries by Denel contrary to applicable policies, procedures, prescripts, practices of, or applicable to Denel that regulate the awarding of such bursaries and any related losses or irregular or fruitless and wasteful expenditure incurred by Denel or the State as a result thereof.

3. Any unlawful or irregular conduct by employees and officials of Denel or any other person or entity in relation to the allegations set out in paragraphs 1 or 2 of this Schedule.

PROKLAMASIE NO. R. 32 VAN 2019**van die****PRESIDENT van die REPUBLIEK van SUID-AFRIKA****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE,
1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENT-
HEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE
TRIBUNAAAL**

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 aangeleenthede van Denel MSB Bpk en besigheidsafdelings waarin Denel MSB Bpk 'n meerderheidsaandeelhouer is (hierna gesamentlik na verwys as "Denel");

EN AANGESIEN Denel 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 aangeleenthede in die Bylae vermeld, ten opsigte van Denel, 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 soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van Denel;
- (b) onbehoorlike of onregmatige optrede deur die werknemers of beamptes van Denel;
- (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 Denel; 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 Januarie 2015 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2015 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 Denel of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 7dag van Junie Twee duisend-en-negentien.

CM RAMAPHOSA

President

Op las van die President-in-Kabinet:

TM MASUTHA

Minister van die Kabinet

BYLAE

1. Die aanskaffing van, of kontraktering vir—
 - (a) IT-sekureiteitsassesseringsdienste;
 - (b) dienste vir die ontwikkeling van 'n witskrif met betrekking tot die geldigheid van voorafbetaling bankwaarborgs op alle kontrakte aangegaan tussen Denel en die Krygstuigkorporasie van Suid-Afrika MSB Bpk;
 - (c) regsdiens; of
 - (d) staal vervaardiging dienste en staal vervaardigde goedere, deur of namens Denel, en betalings wat in verband daarmee gemaak is op 'n wyse wat—
 - (i) nie regverdig, mededingend, deursigtig, billik 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 uitgevaardig is; of
 - (cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op Denel van toepassing is,
 - en enige verwante verliese of onreëlmatige of vrugtelose en verspilte uitgawes wat deur Denel of die Staat opgeloop was as gevolg daarvan.
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2. Die toekenning van beurse deur Denel in stryd met die toepaslike beleid, prosedures, voorskrifte, praktyke van, of toepaslik op Denel wat die toekenning van sodanige beurse reël en enige verwante verliese of onreëlmatige of vrugtelose en verkwiste uitgawes wat deur Denel of die Staat aangegaan is as gevolg daarvan.
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3. Enige onwettige of onreëlmatige optrede deur werknemers of beamptes van Denel of enige ander persoon of entiteit ten opsigte van die bewerings soos uiteengesit in paragrawe 1 of 2 van hierdie Bylae.