

PROCLAMATION NO. R. 22 OF 2016

**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

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 Human Settlements, Gauteng Province (hereinafter referred to as "the Department") and Lepelle Northern Water;

AND WHEREAS the Department and Lepelle Northern Water 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 Lepelle Northern Water, 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 Lepelle Northern Water;
- (b) improper or unlawful conduct by employees of the Department and Lepelle Northern Water;
- (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) offences 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 and Lepelle Northern Water; 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 February 2014 and the date of publication of this Proclamation or which took place prior to 1 February 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 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 Lepelle Northern Water, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Sixteenth day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

Schedule

1. The appointment of LTE Consulting (Pty) Limited (hereinafter referred to as "LTE") by the Department to render services to the Department in respect of Tender No: G05020078/1(Tender for Sweetwaters (Kanana Park Extension 6) Reticulation Networks: The Construction of Sweetwaters Reticulation Network for Water and Sewer) and payments which were made by the Department to LTE 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 the Department,

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

2. The appointment of LTE by Lepelle Northern Water to render services to Lepelle Northern Water in respect of the Mopani Water and Waste Water Emergency Intervention which includes Giyani Water and Waste Water Schemes on a turnkey basis and payments which were made by Lepelle Northern Water to LTE 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.