

PROCLAMATION NOTICE 246 OF 2025

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 Great North Transport (SOC) Ltd (hereinafter referred to as “the GNT”), which is situated in the Limpopo Province;

AND WHEREAS the State or the GNT 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 GNT, 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 GNT;
- (b) improper or unlawful conduct by board members, officials or employees of the GNT;
- (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 GNT; 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 2002 and the date of publication of this Proclamation or which took place prior to 1 January 2002 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 State or GNT, 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 twenty-third day of December Two thousand and twenty-four.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

M T Kubayi
Minister of the Cabinet

SCHEDULE

1. The procurement of, or contracting for goods, works or services by or on behalf of the GNT and payments made in respect thereof in a manner that was—
 - (a) not fair, equitable, transparent, competitive or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by National Treasury or the relevant Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts; instructions or practices of, or applicable to GNT; or
 - (c) conducted by, or facilitated through, the improper or unlawful conduct of—
 - (i) board members, officials or employees of the GNT; or
 - (ii) contractors, suppliers or service providers of the GNT or 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 GNT or the State in relation to the—
 - (aa) appointment of Raletjena Technologies and Trading (Pty) Ltd;
 - (bb) extension of a contract between the GNT and Group 4 Security (Fidelity Cash Management) (Pty) Ltd;
 - (cc) appointment of Scania South Africa (Pty) Ltd to provide repair and maintenance services to the GNT;
 - (dd) procurement of 150 busses from Mercedes Benz South Africa (Pty) Ltd;
 - (ee) procurement of 87, 80-seater busses from MAN Truck and Bus South Africa (Pty) Ltd;
 - (ff) appointment of BB Truck and Tractor Services (Pty) Ltd to provide repair and maintenance services to the GNT;
 - (gg) procurement of legal services; or
 - (hh) procurement of a fleet management system.
2. Maladministration in the affairs of the GNT and any losses or prejudice suffered by the GNT or the State as a result of such maladministration in relation to—
 - (a) fruitless and wasteful expenditure incurred by the GNT as a result of interest payments made to Afri Oil (Pty) Ltd;
 - (b) a settlement agreement concluded with Umvuzo Energy (Pty) Ltd;
 - (c) the mismanagement of diesel supplies;
 - (d) the failure to collect debt that was due and owing to the GNT; or
 - (e) an agreement entered into between the GNT and emerging bus operators.
3. Any unlawful or improper conduct by board members, officials or employees of the GNT, the applicable contractors, suppliers or service providers or any other person or entity in relation to the allegations set out in paragraphs 1 and 2 of the Schedule.

PROKLAMASIE KENNISGEWING 246 VAN 2025**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 Great North Transport (MSB) Bpk (hierna na verwys as "die GVT") wat in die Limpopo Provinsie geleë is;

EN AANGESIEN die Staat of die GVT verliese gely het wat 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 aangeleentheid in die Bylae vermeld ten opsigte van die GVT, vir ondersoek na die Spesiale Ondersoekeenhede ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die aangeleentheid, dit die opdrag van die Spesiale Ondersoekeenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleentheid van die GVT;
- (b) onbehoorlike of onregmatige optrede deur raadslede, beamptes of werknemers van die GVT;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreef 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 GVT 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 2002 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2002 of na die datum van publikasie van hierdie Proklamasie, maar wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleentheid 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 Ondersoekeenhede toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleentheid in die Bylae, insluitend die verhaal van enige verliese wat deur die Staat of die GVT gely is.

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

CM Ramaphosa
President

Op las van die President-in-Kabinet:

M T Kubayi
Minister van die Kabinet

BYLAE

1. Die aanskaffing van, of kontraktering vir goedere, werk of dienste deur of namens die GVT en betalings wat in verband daarmee gemaak is op '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 of instruksies wat deur die Nasionale Tesourie of betrokke Provinsiale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die GVT van toepassing is; of
 - (c) wat gedoen of gefasiliteer is deur die onbehoorlike of onwettige optrede van—
 - (i) raadslede, beamptes of werknemers van die GVT; of
 - (ii) kontrakteurs, verskaffers of diensleweraars van die GVT of enige ander persoon of entiteit,om hulself of andere op 'n korrupte of onbehoorlike wyse te bevoordeel.en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die GVT of die Staat aangegaan was ten opsigte van die—
 - (aa) aanstelling van Raletjena Technologies and Trading (Edms) Bpk;
 - (bb) verlenging van 'n kontrak tussen die GVT en Group 4 Security (Fidelity Cash Management) (Edms) Bpk;
 - (cc) aanstelling van Scania Suid-Afrika (Edms) Bpk om herstel- en instandhoudingsdienste aan die GVT te voorsien;
 - (dd) verkryging van 150 busse van Mercedes Benz Suid-Afrika (Edms) Bpk;
 - (ee) verkryging van 87 80-sitplek busse van MAN "Truck and Bus" Suid-Afrika (Edms) Bpk;
 - (ff) aanstelling van BB Truck and Tractor Services (Edms) Bpk om herstel- en instandhoudingsdienste aan die GVT te voorsien;
 - (gg) verkryging van regsdienste; en
 - (hh) verkryging van 'n vlootadministrasiesistelsel.
2. Wanadministrasie in die werksaamhede van die GVT en enige verliese, skade of werklike of potensiële nadeel wat deur die GVT of die Staat gely is as gevolg van sodanige wanadministrasie met betrekking tot—
 - (a) vrugtelose en verspilde uitgawes wat deur die GVT aangegaan is, as gevolg van die betaling van rente aan Afri Oil (Edms) Bpk;
 - (b) 'n skikkingsooreenkoms aangegaan met Umvuzo Energy (Edms) Bpk;
 - (c) die wanadministrasie van diesel voorraad;
 - (d) die versuim om skuld wat betaalbaar en verskuldig is aan die GVT in te vorder; en
 - (e) 'n ooreenkoms wat tussen die GVT en opkomende busoperateurs aangegaan is.
3. Enige onregmatige of onreëlmatige gedrag deur die raadslede, beamptes of werknemers van die GVT, die toepaslike kontrakteurs, verskaffers of diensverskaffers of enige ander persoon of entiteit ten opsigte van die bewerings soos in paragrawe 1 en 2 van hierdie Bylae uiteengesit.