
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 260 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: DEPARTMENT OF DEFENCE

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 Defence (hereinafter referred to as “the Department”);

AND WHEREAS the State or the Department 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, 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 officials and employees 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 March 2021 and the date of publication of this Proclamation or which took place prior to 1 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 to this Proclamation 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 Department, in relation to the said matters in the Schedule to this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this third day of April Two thousand and twenty-five.

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 and services, by or on behalf of the Department in relation to Bid Number CPSC-UB-M-013-2021 (supply and delivery of mask surgical elastic loops earpiece), 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, circulars or instructions issued by the National Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department;
 - (c) conducted by, or facilitated through, the improper conduct of—
 - (i) officials or employees of the Department; or
 - (ii) suppliers or service providers 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.
2. Any unlawful or improper conduct by officials or employees of the Department, the applicable suppliers or service providers or any other person or entity, in relation to the allegations set out in paragraph 1 above.

PROKLAMASIE 260 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: DEPARTEMENT VAN VERDEDIGING**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheide 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 Verdediging (hierna na verwys as “die Departement”);

EN AANGESIEN die Staat of die Departement verliese gelyk 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, 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;
- (b) onbehoorlike of onregmatige optrede deur beamptes en werknemers van die Departement;
- (c) onregmatige bewilliging of besteding van publieke geld;
- (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 Maart 2021 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Maart 2021 of na die datum van publikasie van hierdie Proklamasie, maar wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae tot hierdie Proklamasie 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 aangeleenthede in die Bylae tot hierdie Proklamasie, insluitend die verhaal van enige verliese wat deur die Staat of die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die derde dag van April Twee duisend en vyf-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 en dienste deur of namens die Departement met betrekking tot Bod Nommer CPSC-UB-M-013-2021 (verskaffing en aflewering van maskers chirurgiese elastiese lusse oorstuk) ten opsigte daarvan op 'n wyse wat—
 - (a) nie regverdig, gelykmatig, deursigtig, kompiterend of koste-effektief was nie;
 - (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, 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 Departement van toepassing is;
 - (c) uitgevoer deur, of gefasiliteer is deur, die onbehoorlike gedrag van—
 - (i) beamptes of werknemers van die Departement; of
 - (ii) verskaffers of diensverskaffers van die Departement of enige ander persoon of entiteit; of
 - (d) bedrieglik;en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat deur die Departement aangegaan is.
2. Enige onbehoorlike of onregmatige gedrag deur die beamptes of werknemers van die Departement, die betrokke diensverskaffers of verskaffers, of enige ander persoon of entiteit, met betrekking tot die bewerings in paragraaf 1 uiteengesit.