
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 265 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 AND SPECIAL TRIBUNAL: HOUSING DEVELOPMENT AGENCY**

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 Housing Development Agency ("the agency") and the Eastern Cape Department of Human Settlements, Free State Department of Human Settlements, Gauteng Department of Human Settlements, KwaZulu-Natal Department of Human Settlements, Mpumalanga Department of Human Settlements, North West Department of Human Settlements, Northern Cape Department of Co-operative Governance, Human Settlements and Traditional Affairs and Western Cape Department of Human Settlements ("the departments");

AND WHEREAS the agency and departments 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 agency and departments, 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 agency and departments;
- (b) improper or unlawful conduct by employees of the agency and departments;
- (c) unlawful expenditure of public money;
- (d) 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 agency and departments; or
- (e) 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 April 2016 and the date of publication of this Proclamation or which took place prior to 1 April 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 agency and departments 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 Cape Town this 3rd day of April Two thousand and twenty-five.

MC Ramaphosa

President

By Order of the President-in-Cabinet:

T Simelane

Minister of the Cabinet

SCHEDULE

1. Serious maladministration in the affairs of the Housing Development Agency (“the agency”) and the Eastern Cape Department of Human Settlements, Free State Department of Human Settlements, Gauteng Department of Human Settlements, KwaZulu-Natal Department of Human Settlements, Mpumalanga Department of Human Settlements, North West Department of Human Settlements, Northern Cape Department of Co-operative Governance, Human Settlements and Traditional Affairs and Western Cape Department of Human Settlements (“the departments”), in respect of the identification, acquisition, holding, development and release of state, communal and privately owned land, as listed in Annexure “A” hereto, for residential and community purposes by the Agency, in its own name, or for and on behalf of the provincial departments, or by the provincial departments in their own name, 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;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the agency and departments;and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the agency and departments or losses suffered by the agency, departments or the State in relation to the allegations set out above.
2. Any irregular, improper or unlawful conduct by—
 - (a) the applicable service provider of the agency and departments; or
 - (b) any other person or entity,relating to the allegations referred to in paragraph 1 of this Schedule.

PROKLAMASIE 265 VAN 2025**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:
BEHUISINGSONTWIKKELINGSAGENTSAP**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna "die Wet" genoem), gemaak is ten opsigte van die sake van die Behuisingsontwikkelingsagentskap ("die agentskap") en die Oos-Kaapse Departement van Menslike Nedersettings, Vrystaatse Departement van Menslike Nedersettings, Gautengse Departement van Menslike Nedersettings, KwaZulu-Natal Departement van Menslike Nedersettings, Mpumalanga Departement van Menslike Nedersettings, Noord-Wes Departement van van Menslike Nedersettings, Noord-Kaapse Departement van Samewerkende Regering, Menslike Nedersettings en Tradisionele Sake en Wes-Kaapse Departement van Menslike Nedersettings ("die departemente");

EN AANGESIEN die agentskap en departemente moontlik verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die vermeldde 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 aangeleentheid in die Bylae vermeld, ten opsigte van die Departement, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 188 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van die sake, dit 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 agentskap en departemente;
- (b) onbehoorlike of onwettige gedrag deur werknemers van die agentskap en departemente;
- (c) onregmatige besteding van openbare geld;
- (d) 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 agentskap en departemente gepleeg is; of
- (e) 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 tussen 1 April 2016 en die datum van publikasie van hierdie Proklamasie plaasgevind het of wat voor 1 April 2016 of na die datum van publikasie van hierdie Proklamasie plaasgevind het, maar betrekking het op, verband hou met, insidenteel of aanvullend is tot die aangeleenthede in die Bylae vermeld of dieselfde persone, entiteite of kontrakte betrek wat onder die gesag van hierdie Proklamasie ondersoek word, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die vermelde Spesiale Ondersoekeenheid verleen word, uit te voer of te verrig, met inbegrip van om enige verliese wat die agentskap of departemente of die Staat met betrekking tot die in die Bylae vermelde sake, gelyk het, te verhaal.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die 3 dag van April Tweeduisend vier-en-twintig.

MC Ramaphosa

President

Op las van die President in die Kabinet:

T Simelane

Minister van die Kabinet

BYLAE

1. Ernstige wanadministrasie in die sake van die Behuisingsonwikkelingsagentskap ("die agentskap") en die Oos-Kaapse Departement van Menslike Nedersettings, Vrystaatse Departement van Menslike Nedersettings, Gautengse Departement van Menslike Nedersettings, KwaZulu-Natal Departement van Menslike Nedersettings, Mpumalanga Departement van Menslike Nedersettings, Noord-Wes Departement van Menslike Nedersettings, Noord-Kaapse Departement van Samewerkende Regering, Menslike Nedersettings en Tradisionele Sake en Wes-Kaapse Departement van Menslike Nedersettings ("die departemente") ten opsigte van die identifikasie, verkryging, hou, ontwikkeling en vrystelling van staatsgrond, gemeenskaplike grond en grond in privaat besit, soos in Aanhangsel "A" hierby vermeld, vir residensiële en gemeenskapsdoeleindes deur die Agentskap, in die Agentskap se eie naam, of vir en namens die provinsiale departement, of deur die provinsiale departemente in hul eie naam, op 'n wyse—
 - (a) wat nie billik, mededingend, deursigtig, gelyk of koste-effektief was nie;
 - (b) wat strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendbriewe, of instruksies wat deur die Nasionale Tesourie of Tersaaklike Provinsiale Tesourie uitgereik,
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of van toepassing op die agentskap en departemente;en verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes deur die agentskap, departemente of die Staat gely in verband met die bewerings wat hierbo uiteengesit word.
2. Enige onreëlmatige, onbehoorlike of onwettige gedrag deur—
 - (a) die toepaslike diensverskaffer van die agentskap en departemente; of
 - (b) enige ander persoon of entiteit,met betrekking tot die bewerings in paragraaf 1 van hierdie Bylae uiteengesit."