
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 281 OF 2025

**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.4 OF 2020, AS AMENDED BY PROCLAMATION NO. R. 40 OF 2020

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.4 of 2020 and Proclamation No. R.40 of 2020 ("Proclamations") by the substitution for Proclamations of the following Proclamation—

"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 National Treasury; the State Information Technology Agency SOC Ltd, and the Department of Public Service and Administration (hereinafter collectively referred to as "the Institutions");

AND WHEREAS the Institutions 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 Institutions, 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 Institutions;

- (b) improper or unlawful conduct by employees of the Institutions;
- (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 Institutions; 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 01 July 2013 and the date of publication of this Proclamation or which took place prior to 01 July 2013 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 Institutions 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 this day of Two thousand and twenty five.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

Schedule

“1. The procurement of, or contracting for goods, works or services by or on behalf of the Institutions, 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
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the National Treasury; or
- (c) facilitated through the unlawful, irregular or improper intervention of employees or officials of the National Treasury,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the National Treasury or the State as a result thereof, in relation to the following:

- (i) the Integrated Financial Management System; and
- (ii) Tender Number NT 024-2013 for the appointment of a service provider for the establishment and operation of a Project Management Office (PMO) for the Integrated Financial Management System programme and associated Request For Quotation Numbers:
 - (aa) RFQ01-2014: Appointment of a service provider to review the Integrated Financial Management System tender specifications (technical and functional), in order to ensure that the tender meets the full solution requirements;
 - (bb) RFQ02-2014: Appointment of a service provider to provide probity services for the Integrated Financial Management System project;
 - (cc) RFQ03-2014: Appointment of two service providers to lead the programme, stakeholder management and strategic business planning;
 - (dd) RFQ023-2014: Appointment of a service provider(s) to assist with organisational change management and communications with regard to the Integrated Financial Management System programme;
 - (ee) RFQ024-2014: Appointment of a service provider(s) for strategic systems planning with regard to the Integrated Financial Management System; and
 - (ff) RFQ029-2014: Appointment of a service provider to provide assistance with probity services and assurance with regard to the Integrated Financial Management System programme.

2. Any irregular, unlawful or improper conduct by—

- (a) officials or employees of the Institutions; or
- (b) the applicable suppliers or service providers of the Institutions; or
- (c) any other person or entity,

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

PROKLAMASIE 281 VAN 2025**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. 4 VAN 2020,
SOOS GEWYSIG DEUR PROKLAMASIE NO. R. 40 VAN 2020**

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. 4 van 2020, soos gewysig deur Proklamasie No. R. 40 van 2020 (hierna na vewrys as “Proklamasie”) deur die vervanging van die Proklamasie deur die volgende Proklamasie—

“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 Nasionale Tesourie, die Staatsinligtingstechnologie-agentskap (SOC) Beperk, en die Departement van Staatsdiens en Administrasie (hierna na verwys as “die Instellings”);

EN AANGESIEN die Instellings 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 Instellings, 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 aangeleenthede, 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 aangeleenthede van die Instellings;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Instellings;
- (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 Instellings; 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 Julie 2013 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Julie 2013 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, insluitend die verhaal van enige verliese wat deur die Instellings of die Staat gely 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
op hede die dag van Twee duisend en vyf-en-twintig.

President

Op las van die President-in-Kabinet:

Minister van die Kabinet

Bylae

“1. Die verkryging van, of kontraktering vir goedere werk of dienste deur of namens die Instansies, en betalings wat ten opsigte daarvan gemaak is wat—

(a) nie regverdig, mededingend, deursigtig, gelykmatig, of koste-effektief was nie;
(b) strydig was met toepaslike—

(i) wetgewing;

(ii) handleidings, riglyne, praktyk notas, omsendskrywes, of instruksies wat deur die Nasionale Tesourie uitgevaardig is;

(iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyk van of van toepassing is op die Nasionale Tesourie; of

(c) gefasiliteer is deur die onregmatige, onreëlmatige of onbehoorlike tussenkoms van werknemers of beamptes van die Nasionale Tesourie,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspulde uitgawes deur die Nasionale Tesourie of die Staat as gevolg daarvan aangegaan, met betrekking tot die volgende:

(i) die Geïntegreerde Finansiële Bestuurstelsel; en

(ii) Tender Nommer NT 024-2013 vir die aanstelling van ‘n diensverskaffer vir die instelling en bestuur van ‘n Projekbestuur Kantoor vir die Geïntegreerde Finansiële Bestuur program en gepaardgaande Versoek Vir Kwotasie Nommers:

(aa) RFQ01-2014: Aanstelling van ‘n diensverskaffer om die Geïntegreerde Finansiële Bestuurstelsel tender spesifikasies (tegnies en funksioneel) te hersien, ten einde te verseker dat die tender aan al die volledige oplossing vereistes voldoen;

(bb) RFQ02-2014: Aanstelling van ‘n diensverskaffer om deugszaamheid dienste vir die Geïntegreerde Finansiële Bestuurstelsel te verskaf;

(cc) RFQ03-2014: Aanstelling van twee diensverskaffers om die program te lei, belanghebbende partye bestuur en strategiese besigheidsbeplanning;

(dd) RFQ023-2014: Aanstelling van ‘n diensverskaffer(s) om behulpsaam te wees met organisatoriese veranderende bestuur en kommunikasie met betrekking tot die Geïntegreerde Finansiële Bestuurstelsel program;

- (ee) RFQ024-2014: Aanstelling van 'n diensverskaffer(s) vir strategiese stelsels beplanning met betrekking tot die Geïntegreerde Finansiële Bestuurstelsel; en
- (ff) RFQ029-2014: Aanstelling van 'n diensverskaffer om hulp te verleen met deugsamheid dienste en sekerheid met betrekking tot die Geïntegreerde Finansiële Bestuurstelsel program.

2. Enige onreëlmatige, onregmatige of onbehoorlike gedrag deur—
- (a) beamptes of werknemers van die Instellings; of
 - (b) die betrokke verskaffers of diensverskaffers van die Instellings; of
 - (c) enige ander persoon of entiteit,
- met betrekking tot die bewerings in paragraaf 1 in hierdie Bylae uiteengesit.”.