

GENERAL NOTICES • ALGEMENE KENNISGEWINGS

PARLIAMENT OF THE REPUBLIC OF SOUTH AFRICA

NOTICE 3726 OF 2026

MS M.P. KOBE, MP

NOTICE OF INTENTION TO INTRODUCE A PRIVATE MEMBER'S BILL AND INVITATION FOR COMMENT ON THE DRAFT PUBLIC PROCUREMENT AMENDMENT BILL, 2026

MS M.P. Kobe, MP, acting in accordance with section 73(2) of the Constitution of the Republic of South Africa, 1996 ("Constitution"), intends to introduce the Public Procurement Amendment Bill, 2026 ("draft Bill"), in Parliament. An explanatory summary of the draft Bill is hereby published in accordance with Rule 276(1)(c) of the Rules of the National Assembly (9th Edition).

South Africa's experience with state capture, entrenched corruption networks, and the indispensable role played by whistleblowers during Judicial Commission of Inquiry into State Capture ("Zondo Commission"), highlights the urgent need to institutionalise whistleblower incentives in a sustainable, fair and appropriately scaled manner. Of particular concern and focus is the public procurement sector, which is estimated to account for over R800 billion in annual expenditure country wide.

Despite the vital contribution of whistleblowers in uncovering wrongdoing during the Zondo Commission, key recommendations relating to incentivising whistleblowers remain unimplemented. While sector-specific legislation such as the Marine Living Resources Act, 1998 (Act No. 18 of 1998), the National Forests Act, 1998 (Act No. 84 of 1998), and the National Environmental Management Act, 1998 (Act No. 107 of 1998), provide for financial rewards under limited conditions, these frameworks are narrow in scope and underutilised and do not offer a coherent systemic framework.

Of further concern is the National Prosecuting Authority's ("NPA") seeming repeated inability to effectively prosecute corruption and secure financial recoveries for the State. This systemic failure highlights the need to provide for private prosecutions whenever the NPA refuses or neglects to act.

There appears to be institutional hesitancy to effectively empower whistleblowers and to implement meaningful reward schemes capable of disrupting entrenched corruption networks. This may be attributed to capacity constraints, political sensitivity, and fear of unsettling entrenched patronage networks. Yet, research shows that whistleblower incentivisation coupled with private prosecution are highly effective anti-corruption tools, particularly in sectors marked by systemic corruption such as public procurement. For example, in the United States of America, the False Claims Act, 1863 (as

amended), which provides for whistleblower incentivisation, enabled the recovery of \$2.9 billion (R52.2 billion) in 2024 alone. Similar models are now in place in the United Kingdom and several European jurisdictions.

In the Republic of South Africa, whistleblowers routinely face threats to their safety, livelihoods, and social standing. In tragic instances, such as the assassination of Babita Deokaran and Marius van der Merwe, the personal risks have proven fatal. It is unjust and unsustainable to expect whistleblowers to bear such burdens without meaningful support or recognition.

The draft Bill seeks to amend the Public Procurement Act, 2024 (Act No. 28 of 2024) (“principal Act”), by making provision for whistleblower disclosures in respect of any infringement or offence contemplated in the principal Act. The draft Bill further provides for monetary rewards to be awarded to persons whose whistleblower disclosures lead to the recovery of funds by the State. In addition, the draft Bill makes provision for offences in respect of whistleblower disclosures and the institution of private prosecutions for any offence committed in terms of the principal Act.

Interested parties and institutions are invited to submit written representations on the proposed content of the draft Bill to the Speaker of the National Assembly within 30 days of the publication of this notice. Representations can be delivered to the Speaker, New Assembly Building, Parliament Street, Cape Town; mailed to the Speaker, P O Box 15 Cape Town 8000, or emailed to speaker@parliament.gov.za and copied to parliament@actionsa.org.za.

Copies of the draft Bill may be accessed at this link: <https://www.actionsa.org.za/bills>