

**DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT
PROCLAMATION NOTICE 334 OF 2026**

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

No. R. , 2026

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: KNYSNA LOCAL MUNICIPALITY

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 Knysna Local Municipality (hereinafter referred to as “the Municipality”);

AND WHEREAS the Municipality or the State 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 Municipality, 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 Municipality;
- (b) improper or unlawful conduct by the employees or officials of the Municipality;
- (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 Municipality; 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 29 November 2023 and the date of publication of this Proclamation or which took place prior to 29 November 2023 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 Municipality 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 Pretoria this 21st day of July Two thousand and twenty-six.

**CM Ramaphosa
President**

By Order of the President-in-Cabinet:

**MT Kubayi
Minister of the Cabinet**

SCHEDULE

1. The procurement of, or contracting for goods, works or services by or on behalf of the Municipality in terms of Tender Number T25 of 2023/204 — Provision of Physical Security Services for a period of three years 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 the relevant Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Municipality;
 - (c) conducted by, or facilitated through, the unlawful or improper conduct of—
 - (i) employees, officials or agents of the Municipality; or
 - (ii) any other person or entity, to corruptly or unduly benefit themselves or others; or
 - (d) fraudulent,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality or losses suffered by the Municipality or the State as a result thereof.
2. Any irregular, unlawful or improper conduct by—
 - (a) the officials or employees of the Municipality;
 - (b) the applicable supplier or service provider of the Municipality; or
 - (c) any other person or entity,in relation to the allegations as set out in paragraph 1 of this Schedule.

DEPARTEMENT VAN JUSTISIE EN STAATKUNDIGE ONTWIKKELING
PROKLAMASIE KENNISGEWING 334 OF 2026

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: KNYSNA PLAASLIKE
MUNISIPALITEIT**

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 Knysna Plaaslike Munisipaliteit (hierna “die Munisipaliteit” genoem);

EN AANGESIEN die Munisipaliteit of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die vermelde 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 aangeleenthede in die Bylae vermeld, ten opsigte van die Munisipaliteit, 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 ondersoek in te stel, soos in die Wet beoog, na enige beweerde—

- (a) ernstige wanadministrasie in verband met die sake van die Munisipaliteit;
- (b) onbehoorlike of onwettige gedrag deur die werknemers of beamptes van die Munisipaliteit;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of niegoedgekeurde verkrygende handeling, transaksie, maatregel of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van 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 Munisipaliteit gepleeg is; of
- (g) 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 plaasgevind het tussen 29 November 2023 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 29 November 2023 of na die publikasie van hierdie Proklamasie, maar betrekking het op, verband hou met, insidenteel of aanvullend tot die aangeleenthede in die Bylae is of dieselfde persone, entiteite of kontrakte betrek wat onder die gesag van hierdie Proklamasie ondersoek word, en om al die werksaamhede en bevoegdhede deur die Wet aan die vermelde Spesiale Ondersoekeenheid verleen word, uit te voer of te verrig, met inbegrip van om enige verliese wat die Munisipaliteit 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 Pretoria op hede die 21^{ste} dag van Julie Tweeduisend-ses-en-twintig.

CM Ramaphosa
President

Op las van die President-in-Kabinet

MT Kubayi
Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir goedere, werke of dienste deur of namens die Munisipaliteit ingevolge Tender Nommer T25 van 2023/204—Voorsiening van fisiese sekuriteitsdienste vir 'n tydperk van drie jaar en betalings gemaak te aansien daarvan in 'n wyse wat—
 - (a) nie billik, mededingend, deursigtig, gelyk of koste-effektief was nie;
 - (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendbriewe, of opdragte deur die Nasionale Tesourie of tersaaklike Provinsiale Tesourie uitgereik; of
 - (iii) handleidings, beleide, prosedures, voorskrifte, instruksies of praktyke van of van toepassing op die Munisipaliteit;

- (c) gevoer is of vergemaklik is deur die onregmatige of onbehoorlike gedrag van—
 - (i) werknemers, amptenare of agente van die Munisipaliteit; of
 - (ii) enige ander persoon of entiteit, om hulself of ander op 'n korrupte wyse of ten onregte te bevoordeel; of
 - (d) bedrieglik was, en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes deur die Munisipaliteit of verliese deur die Munisipaliteit of die Staat aangegaan as resultaat daarvan.
2. Enige onreëlmatige, onregmatige of onbehoorlike optrede deur—
- (a) die beamptes of werknemers van die Munisipaliteit;
 - (b) die toepaslike verskaffers of diensverskaffers van die Munisipaliteit; of
 - (c) enige ander persoon of entiteit,
- in verband met die bewerings in paragraaf 1 van hierdie Bylae uiteengesit.