



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID AFRIKA

Regulation Gazette

No. 10962

Regulasiekoerant

Vol. 649

**5 July
Julie 2019**

No. 42562

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-5843



9 771682 584003



42562



AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE:

THE GOVERNMENT PRINTING WORKS WILL NOT BE HELD RESPONSIBLE FOR ANY ERRORS THAT MIGHT OCCUR DUE TO THE SUBMISSION OF INCOMPLETE / INCORRECT / ILLEGIBLE COPY.

No FUTURE QUERIES WILL BE HANDLED IN CONNECTION WITH THE ABOVE.

Contents

| <i>No.</i> | | <i>Gazette No.</i> | <i>Page No.</i> |
|-------------------------------------|--|------------------------|---------------------|
| PROCLAMATIONS • PROKLAMASIES | | | |
| R. 26 | Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit | 42562 | 12 |
| R. 26 | Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van Aangeleenthede na bestaande Spesiale Ondersoekenhede en Spesiale Tribunaal..... | 42562 | 16 |
| R. 27 | Special Investigating Units and Special Tribunals Act (74/1996)A: Amendment of Proclamation No. R. 22 of 2016. | 42562 | 20 |
| R. 27 | Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Wysiging van Proklamasie No. R. 22 van 2016 | 42562 | 21 |
| R. 28 | Special Investigating Units and Special Tribunals (74/1996): Referral of matters to existing Special Investigating Unit: Department of Water and Sanitation..... | 42562 | 22 |
| R. 28 | Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede: Departement van Water en Sanitasie..... | 42562 | 25 |
| R. 29 | Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit: Council for Medical Schemes | 42562 | 28 |
| R. 29 | Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede: Raad op Mediese Skemas | 42562 | 31 |
| R. 30 | Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit | 42562 | 34 |
| R. 30 | Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede | 42562 | 37 |
| R. 31 | Special Investigating Units and Special Tribunals Act (74/1996): Amendment of Proclamation No. R. 2 of 2018 | 42562 | 40 |
| R. 31 | Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Wysiging van Proklamasie No. R. 2 van 2018 | 42562 | 41 |
| R. 32 | Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit | 42562 | 42 |
| R. 32 | Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede en Spesiale Tribunaal..... | 42562 | 45 |

PROCLAMATION NO. R. 30 OF 2019**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**

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 North West Development Corporation (hereinafter referred to as "the NWDC");

AND WHEREAS the NWDC 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 NWDC, 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 NWDC;
- (b) improper or unlawful conduct by officials or employees of the NWDC;
- (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 NWDC; 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 January 2015 and the date of publication of this Proclamation or which took place prior to 1 January 2015 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 NWDC 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 Johannesburg this 7th day of June Two thousand and Nineteen.

CM RAMAPHOSA

President

By Order of the President-in-Cabinet:

TM MASUTHA

Minister of the Cabinet

SCHEDULE

1. The procurement of or contracting for goods, works or services by or on behalf of the NWDC 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 NWDC;
 - (c) fraudulent; or
 - (d) conducted by or facilitated through the improper conduct of—
 - (i) officials or employees of the NWDC;
 - (ii) contractors, suppliers or service providers of the NWDC or their sub-contractors; or
 - (iii) any other person or entity,
to corruptly or unduly benefit themselves or any other person or entity,
and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the NWDC or the State or any resulting loss or damages suffered by NDWC or the State in relation to the appointment of—
 - (aa) MVEST Trust in terms of a service level agreement to implement the Youth Enterprise Combo; or
 - (bb) Naphtronics (Pty) Ltd to render security services to the NWDC.
2. Maladministration in the affairs of the NWDC and any losses or prejudice suffered by the NWDC or the State as a result of such maladministration in relation to the—
 - (a) purchase of Christiana Hotel and Game Farm; or
 - (b) establishment of Tokiso Security Services SOC Ltd as a subsidiary of the NWDC,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the NWDC or the State, including the causes of such maladministration.
3. Any unlawful or improper conduct by officials or employees of the NWDC, the applicable contractors, suppliers or service providers or their sub-contractors or any other person or entity in relation to the allegations set out in paragraphs 1 and 2 of this Schedule.