



# Government Gazette Staatskoerant

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# Government Printing Works

## Notice submission deadlines

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### CANCELLATIONS

Don't forget!

Cancellation of notice submissions are accepted by GPW according to the deadlines stated in the table above.

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take note!

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Many of our customers request immediate feedback/confirmation of notice placement in the gazette from our Contact Centre once they have submitted their notice – While GPW deems it one of their highest priorities and responsibilities to provide customers with this requested feedback and the best service at all times, we are only able to do so once we have started processing your notice submission.

GPW has a **2-working day turnaround time for processing notices** received according to the business rules and deadline submissions.

Please keep this in mind when making inquiries about your notice submission at the Contact Centre.

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REMINDER

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A reminder that documents must be attached separately in your email to GPW. (In other words, your email should have an Adobe Form plus proof of payment/purchase order – 2 separate attachments – where notice content is applicable, it should also be a 3rd separate attachment).

### REMINDER OF THE GPW BUSINESS RULES

- Single notice, single email – with proof of payment or purchase order.
- All documents must be attached separately in your email to GPW.
- 1 notice = 1 form, i.e. each notice must be on a separate form
- Please submit your notice **ONLY ONCE**.
- Requests for information, quotations and inquiries must be sent to the Contact Centre **ONLY**.
- The notice information that you send us on the form is what we publish. Please do not put any instructions in the email body.



eGazette



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**PROCLAMATION NO. R. 19 OF 2016**

**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**

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 Construction Industry Development Board (hereinafter referred to as "the Board");

AND WHEREAS the—

- (a) Board; and
- (b) State institutions, as defined in section 1 of the Act, who acted on the purportedly lawful decisions of the Board (hereinafter referred to as "the State institutions"), 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 Board and the State 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 Board;
- (b) improper or unlawful conduct by officials or employees of the Board;
- (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 Board; 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 2006 and the date of publication of this Proclamation or which took place prior to 1 January 2006 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 Board or State institutions, 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 Sixteenth day of March Two thousand and sixteen.

**J G Zuma**  
**President**

By Order of the President-in-Cabinet:

**T M Masutha**  
**Minister of the Cabinet**

### SCHEDULE

1. Maladministration in the affairs of the Board in respect of—
  - (a) the receipt of, or the processing of, or granting of applications by contractors to the Board for registration as a contractor in the register of contractors contemplated in section 16 of the Construction Industry Development Board Act, 2000 (Act No. 38 of 2000); or
  - (b) contractor grading designations awarded by the Board to contractors, in a manner that was—
    - (i) contrary to—
      - (aa) applicable legislation;
      - (bb) applicable manuals, guidelines, practice notes or instructions issued by the National Treasury, the Department of Public Works, the Department of Trade and Industry or any other applicable regulatory authority; or
      - (cc) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Board;
    - (ii) conducted by or facilitated through the improper conduct of—
      - (aa) officials or employees of the Board with undeclared or unauthorized conflict of interests; or
      - (bb) contractors or any other third party, to corruptly or unduly benefit themselves or others; or
    - (iii) fraudulent.
2. Any—
  - (a) failure to implement appropriate measures to safeguard confidential or privileged information or records submitted to the Board; or

(b) irregular dissemination of confidential or privileged information or records by officials or employees of the Board to persons or entities who are not lawfully entitled to such information or records.

3. The appointment of a service provider by the Board, in terms of bid number RFB30026, to a panel of service providers to conduct investigations for the Board over a period of three years and any subsequent work awarded by the Board to the service provider, in a manner that was—

(a) not fair, equitable, transparent, competitive or cost-effective; or

(b) contrary to—

(i) applicable legislation;

(ii) applicable manuals, guidelines, practice notes or instructions issued by the National Treasury; or

(iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Board,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Board.

4. The validity of construction work contracts awarded by the State institutions to contractors contemplated in paragraph 1 of this Schedule, where the State institutions relied on the unlawful or invalid—

(a) registration as contractors in the register of contractors; or

(b) contractor grading designations awarded by the Board to those contractors.

5. Any improper or unlawful conduct by officials or employees of the Board, contractors contemplated in paragraph 1 of the Schedule or any other person, in relation to allegations contemplated in paragraphs 1, 2 or 3 of this Schedule.

## PROKLAMASIE NO. R. 19 VAN 2016

van 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**

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 aangeleentheid van die Konstruksie Industrie Ontwikkelingsraad (hierna na verwys as "die Raad");

EN AANGESIEN die—

- (a) Raad; en
- (b) Staatsinstellings, soos omskryf in artikel 1 van die Wet, wie op die sogenaamde regmatige besluite van die Raad gehandel het (hierna na verwys as "die Staatsinstellings"),

moontlik 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 aangeleentheid in die Bylae vermeld, ten opsigte van die Raad en die Staatsinstellings, 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 aangeleentheid, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (a) ernstige wanadministrasie in verband met die aangeleentheid van die Raad;
- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Raad;
- (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 Raad; 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 Januarie 2006 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 January 2006 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, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Raad of Staatsinstellings gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaaptstad op hede die Sestiende dag van Maart Twee duisend-en-sestien.

**J G Zuma**  
**President**

Op las van die President-in-Kabinet:

**T M Masutha**  
**Minister van die Kabinet**

### **Bylae**

1. Wanadministrasie in die sake van die Raad ten opsigte van—
  - (a) die ontvangs van, of die prosessering van, of toestaan van aansoeke deur kontrakteurs tot die Raad vir registrasie as 'n kontrakteur in die register van kontrakteurs soos beoog in artikel 16 van die "Construction Industry Development Board Act, 2000 (Act No. 38 of 2000)"; of
  - (b) kontrakteur-graderingsaanwysings wat deur die Raad aan kontrakteurs toegeken is, op 'n wyse wat—
    - (i) strydig was met —
      - (aa) toepaslike wetgewing;
      - (bb) toepaslike handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie, die Departement van Openbare Werke, die Departement van Handel en Nywerheid of enige ander toepaslike reguleringsowerhede uitgereik is; of
      - (cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Raad van toepassing is;
    - (ii) uitgevoer is of gefasiliteer is deur die onbehoorlike optrede van—
      - (aa) beamptes of werknemers van die Raad met 'n ongeopenbaarde of ongemagtigde konflik van belange; of
      - (bb) kontrakteurs of enige derde party, om hulself of andere op 'n korrupte wyse ten onregte te bevoordeel; of



(iii) bedrieglik was.

2. Enige—

- (a) versuim om voldoende maatreëls te implementeer om vertroulike of geprivilegieerde inligting of rekords wat aan die Raad verskaf is, te bewaar; of
- (b) onreëlmatige verspreiding van vertroulike of geprivilegieerde inligting of rekords deur beamptes of werknemers van die Raad aan persone of entiteite wat nie regmatig op die inligting of rekords geregtig is nie.

3. Die aanstelling van 'n diensverskaffer deur die Raad, kragtens bodnommer RFB30026, op 'n paneel van diensverskaffers om ondersoeke vir die Raad in te stel oor 'n periode van drie jaar en enige daaropvolgende werk wat deur die Raad aan die diensverskaffer toegeken is, op 'n wyse wat—

- (a) nie regverdig, billik, deursigtig, mededingend of koste-effektief was nie; of
- (b) strydig was met —
  - (i) toepaslike wetgewing;
  - (ii) toepaslike handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgereik is; of
  - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Raad van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Raad aangegaan is.

4. Die geldigheid van konstruksie-werkskontrakte wat die Staatsinstellings aan kontrakteurs, beoog in paragraaf 1 van hierdie Bylae, toegeken het, waar die Staatsinstellings gesteun het op die onregmatige of ongeldige—

- (a) registrasie as kontrakteurs in die register vir kontrakteurs; of
- (b) kontrakteur-graderingaanwysings wat deur die Raad aan daardie kontrakteurs toegeken is.

5. Enige onbehoorlike of onwettige gedrag van beamptes of werknemers van die Raad, die kontrakteurs beoog in paragraaf 1 van hierdie Bylae of enige ander persoon, ten opsigte van die bewerings vervat in paragrawe 1, 2 of 3 van hierdie Bylae.