PROCLAMATIONS • PROKLAMASIES

DEPARTMENT OF JUSTICE AND CONSTITUTIONAL DEVELOPMENT

NO. R. 95 **2 December 2022**

PROCLAMATION 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. 39 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. 39 of 2020, by—

(a) the extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of this Proclamation;

(*b*) the substitution for paragraph 1 of the Schedule to the Proclamation of the following paragraph:

"1. The procurement of, or contracting for—

(*a*) security services in terms of bid number SBM 45/17/18; and

(*b*) professional consulting engineering services for the formalisation, rezoning and subdivision, related environmental authorisation and land surveyor services for portion 24 of Farm 282 in Middelpos, Saldanha, in terms of bid number SBM 56/18/19,

by or on behalf of the Municipality and payments made in respect thereof in a manner that was—

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

(ii) contrary to applicable—

(*aa*) legislation;

(*bb*) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or

(*cc*) manuals, policies, procedures, prescripts, instructions of practices of or applicable to the Municipality,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the State or the Municipality.";

(*c*) the substitution for paragraph 2 of the Schedule to the Proclamation of the following paragraph:

"2. Serious maladministration in the affairs of the Municipality in respect of the—

(*a*) strategic partnership concluded between the Municipality and the Saldanha Bay Tourism Office, including the expenditure of public money paid out by the Municipality to the Saldanha Bay Tourism Office;

(*b*) appointment of the Personal Assistant: Speaker and Council Support, Mayoral Support Service, Political Administrator, Strategic Advisor and Executive Mayor: Communications Officer in the year 2019/2020; and

(*c*) writing off by the Municipality's Council of irregular expenditure of R1 757 758 and R9 959 912, as identified by the Auditor-General of South Africa in its Notes to the Annual Financial Statements of the Municipality as at 30 June 2019,

including the causes of such maladministration;"; and

(*d*) the addition of the following paragraph after paragraph 2 of the Schedule to the Proclamation:

"3. Any improper or unlawful conduct by the officials or employees of the Municipality or the applicable service providers, or any other person or entity, in relation to the allegations set out in paragraphs 1 and 2 of this Schedule.".

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this

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thirteenth day of November Two thousand and twenty two.

MC Ramaphosa
President

By Order of the President-in-Cabinet:

RO Lamola
Minister of the Cabinet

PROKLAMASIE VAN DIE
PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA

No. R. , 2022

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): WYSIGING VAN PROKLAMASIE NO. R. 39 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. 39 van 2020 deur—

(a) die verlenging van die tydperk vermeld in die vierde paragraaf van die Proklamasie tot die datum van publikasie van hierdie Proklamasie;

(*b*) die vervanging van paragraaf 1 van die Bylae tot die Proklamasie met die volgende paragraaf:

"1. Die aanskaffing van, of kontraktering vir—

(*a*) sekurteitsdienste ingevolge bod nommer SBM 45/17/18; en

(*b*) professionale raadgewende ingenieurdienste vir die formalisering, hersonering en onderverdeling, verwante omgewingsgoedkeuring en landmeterdienste vir deel 24 van Plaas 282 in Middelpos, Saldanha ingevolge bod nommer SBM 56/18/19,

deur of namens die Munisipaliteit en betalings wat in verband daarmee gemaak is op 'n wyse wat—

(i) nie regverdig, mededingend, deursigtig, billik, of koste-effektief was nie;

(ii) strydig was met toepaslike—

(*aa*) wetgewing;

(*bb*) handleidings, riglyne, praktyknotas, omsendbriewe of instruksies wat deur die Nasionale Tesourie of toepaslike Provinsiale Tesourie uitgevaardig is; of

(*cc*) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is,

en verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat deur die Staat of die Munisipaliteit aangegaan is.";

(*c*) die vervanging van paragraaf 2 van die Bylae tot die Proklamasie met die volgende paragraaf:

"2. Ernstige wanadministrasie in die aangeleenthede van die Munisipaliteit met betrekking tot die—

(*a*) strategiese vennootskap gesluit tussen die Munisipaliteit en die Saldanha Baai Toerismekantoor, insluitend die besteding van publieke geld deur die Munisipaliteit uitbetaal aan die Saldanha Baai Toerismekantoor;

(*b*) aanstelling van die Persoonlike Assistent: Speaker en Raadsonsdersteuning,

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Burgermeestersondersteuningsdiens, Politieke Administrateur, Strategiese Adviseur en Uitvoerende Burgermeester: Kommunikasiebeampte in die jaar 2019/2021; en

(*c*) afskryf deur die Munisipaliteit se Raad van onreëlmatige uitgawes van R1 757 758 en R9 959 912, soos deur die Ouditeur-Generaal van Suid-Afrika geïdentifiseer in die Notas tot die Jaarlikse Finansiële State van die Munisipaliteit soos op 30 Junie 2019,

insluitend die oorsake van sodanige wanadministrasie; en

(*d*) die invoeging van die volgende paragraaf na paragraaf 2 van die Bylae tot die Proklamasie:

"3. Enige onwettige of onbehoorlike gedrag deur beamptes of werknemers van die Munisipaliteit of die betrokke diensverskaffers, of enige ander persoon of entiteit, ten opsigte van die bewerings uiteengesit in paragrawe 1 en 2 van hierdie Bylae.".

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede dertiende dag van November Tweeduisend-twee-en-twintig.

MC Ramaphosa
President

Op las van die President-in-Kabinet:

RO Lamola
Minister van die Kabinet