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**MEDIA STATEMENT
FOR IMMEDIATE RELEASE
1 SEPTEMBER 2023**

TEMBISA HOSPITAL PROCLAMATION HAS BEEN GAZETTED

A Proclamation that allows the Special Investigating Unit (SIU) to delve deeper into allegations of corruption and maladministration in the affairs of Gauteng Department of Health and Tembisa Hospital has been gazetted.

President Cyril Ramaphosa signed Proclamation 136 of 2023 authorising the SIU to investigate Tembisa Hospital last month.

Proclamation 136 of 2023 follows the secondment agreement investigation that the SIU conducted at Tembisa Hospital on behalf of the Gauteng Provincial Government from the allegations of corruption flagged by the late Ms Babita Deokaran. The findings that emanated from the investigation warranted for the SIU to motivate for a Proclamation to investigate the affairs of Tembisa Hospital.

The purpose of the secondment was to enable the SIU to gather evidence in relation to the allegations that would enable the SIU to make an informed decision to motivate for a Proclamation and validate the allegations and establish a link between senior officials and the irregular and fraudulent payments. The SIU is now empowered to investigate a possible

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syndicate activity of corruption and fraud, and cover areas that were not included in the secondment agreement.

From the secondment investigation, the SIU was able to confirm the following:

- The allegations of maladministration and possible fraud and corruption related to the Supply Chain Management process were confirmed.
- Fraudulent suppliers and/or service providers are conducting business with the hospital and that possible fraudulent payments were made to those service providers.
- There were numerous irregularities in respect of the bid documents by successful and unsuccessful bidders at the hospital, which should have led to the disqualification of the bidders.
- Service providers were appointed irregularly, which caused the Department of Health and Wellness at the hospital to suffer irregular expenditure.
- The CEO at Tembisa Hospital, at the time of the irregular procurement, was responsible for authorising purchase orders and request forms, which led to the irregular appointment of 13 service providers.

The SIU investigation- under Proclamation 136 of 2023- will investigate procurement of or contracting for goods and services by or on behalf of the Department for the Tembisa Hospital, or by the Tembisa Hospital, and payments made in respect thereof in a manner that was not fair, competitive, transparent, equitable or cost-effective or violating guidelines by issued by the National Treasury or the relevant Provincial Treasury.

Furthermore, the SIU will investigate unauthorised, irregular, or fruitless and wasteful expenditure incurred by the Gauteng Department of Health, Tembisa Hospital, or the State, while also investigating any unlawful or improper conduct by officials or employees of the

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Department or the Tembisa Hospital, the applicable suppliers or service providers or any other person or entity.

The gazetting of the Proclamation comes at a time when the SIU's investigations have reached an advanced stage. The Proclamation enables the SIU to:

- Subpoena evidence, electronic gadgets, bank accounts, and interrogate witnesses under oath.
- Delve deeper into the procurement of or contracting for goods and services by or on behalf of the Department for the Tembisa Hospital, or by the Tembisa Hospital.
- Act against officials who were fingered in the SIU's preliminary investigation.
- Institute civil litigation to recover money and assets lost by the State.
- Pursue officials that resigned or retired by going after their pensions.
- Make criminal referrals to the relevant Prosecuting Authority.
- Make referral to relevant professional practice regulatory bodies like SARS and Treasury for blacklisting.

The Proclamation covers allegations of unlawful and improper conduct that took place between 1 January 2020 and 1 September 2023, the date of the publication of the Proclamation or before 1 January 2020 and after the date of the Proclamation that are relevant to, connected with, incidental to the matters or involves the same persons, entities or contracts investigated.

In addition to investigating maladministration, malpractice, corruption and fraud, the SIU will also identify system failures, and will also make systematic recommendations to improve measures to prevent future losses.

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The SIU is empowered to institute civil action in the High Court or a Special Tribunal in its name, to correct any wrongdoing uncovered during its investigations caused by acts of corruption, fraud, or maladministration. In line with the Special Investigating Units and Special Tribunals Act 74 of 1996, the SIU will refer any evidence pointing to criminal conduct it uncovers to the National Prosecuting Authority (NPA) for further action.

END.

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