

**PROCLAMATION 156 OF 2024**

**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: KWAZULU-NATAL DEPARTMENT OF TRANSPORT**

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 KwaZulu-Natal Department of Transport (hereinafter referred to as "the Department");

AND WHEREAS the Department 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 Department, 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 Department;
- (b) improper or unlawful conduct by employees of the Department;
- (c) unlawful appropriation or expenditure of public money;
- (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 Department; 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 01 June 2016 and the date of publication of this Proclamation or which took place prior to 01 June 2016 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 Department 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 11<sup>th</sup> day of December Two thousand and twenty three.

**MC Ramaphosa**

**President**

By Order of the President-in-Cabinet:

**RO Lamola**

**Minister of the Cabinet**

**SCHEDULE**

1. The procurement of, or contracting for goods, works or services by or on behalf of the Department in relation to the—

- (a) construction of Mngwenya River Bridge on D385 in terms of tender number ZNT3748/15T;
- (b) construction of Umlalazi River Bridge No. 3782 on D1551 in terms of tender number ZNT3617/15T;
- (c) construction of Mhlathuze Bridge No. 3837 on D2238 in terms of tender number ZNT3901/16T; and
- (d) construction of Phethu River Bridge No. 3526 in terms of tender number ZNT3506/18T,

and payments made in respect thereof in a manner that was—

- (i) not fair, competitive, transparent, equitable or cost-effective; or
- (ii) contrary to applicable—
  - (aa) legislation,
  - (bb) manuals, guidelines, circulars, practice notes or instructions issued by the National Treasury or the relevant Provincial Treasury; or
  - (cc) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department,

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

2. Any unlawful or irregular conduct by—

- (a) employees of the Department; or
- (b) any other person or entity,

relating to the allegations referred to in paragraph 1 of this Schedule.

**PROKLAMASIE KENNISGEWING 156 VAN 2024**  
**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: KWAZULU-NATAL DEPARTEMENT VAN VERVOER**

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 KwaZulu-Natal Departement van Vervoer (hierna na verwys as “die Departement”);

EN AANGESIEN die Departement 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 Departement, 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 Departement;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Departement;
- (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 Departement; 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 Junie 2016 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Junie 2016 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 Departement of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 11de dag van Desember Twee duisend-en-drie-en-twintig.

**MC Ramaphosa**

**President**

Op las van die President-in-Kabinet:

**RO Lamola**

**Minister van die Kabinet**

#### **BYLAE**

1. Die aanskaffing van, en kontraktering vir goedere, werke of dienste deur of namens die Departement in verband met die—
- (a) konstruksie van Mngwenya Rivierbrug op D385 ingevolge tendernommer ZNT3748/15T;
  - (b) konstruksie van Umlalazi Rivierbrug No. 3782 op D1551 ingevolge tendernommer ZNT3617/15T;
  - (c) konstruksie van Mhlathuze Brug No. 3837 op D2238 ingevolge tendernommer ZNT3901/16T; en
  - (d) konstruksie van Phethu Rivierbrug No. 3526 ingevolge tendernommer ZNT3506/18T, en betalings ten opsigte daarvan gemaak op 'n wyse wat—
    - (i) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
    - (ii) strydig was met toepaslike —

- (aa) wetgewing;
  - (bb) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die relevante Provinsiale Tesourie uitgevaardig is; of
  - (cc) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Departement van toepassing is,
- en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat deur die Departement aangegaan is.

2. Enige onwettige of onreëlmatige optrede deur–

- (a) beamptes van die Departement; of
- (b) enige ander persoon of entiteit,

ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.