

PROCLAMATION 192 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

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 Limpopo Department of Sports, Arts and Culture (hereinafter referred to as “the Department”);

AND WHEREAS the State or 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 officials or employees of the Department;
- (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 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 1 January 2011 and the date of publication of this Proclamation or which took place prior to 1 January 2011 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 State or the Department, 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 16th day of September Two thousand and twenty four.

**CM Ramaphosa
President**

By Order of the President-in-Cabinet:

**T Simelane
Minister of the Cabinet**

SCHEDULE

1. The procurement of and contracting for security services by or on behalf of the Department 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, 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 Department,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.
2. Maladministration in the affairs of the Department and any losses or prejudice suffered by the Department or the State as a result of such maladministration in relation to—
 - (a) irregular appointment of staff by the Department within five (5) districts, namely Waterberg, Sekhukhune, Vhembe, Capricorn and Mopani in terms of Circular number 7 of 2016 in the position of Assistant Director: Assets Management;
 - (b) payments not due or owing or payments made by the Department to entities for services not rendered; and
 - (c) the 2016/2017 financial year Mapungubwe Arts, Culture and Heritage Festival.
3. Any unlawful or improper conduct by officials or employees of the Department, the applicable suppliers or service providers or any other person or entity, in relation to the allegations set out in paragraphs 1 and 2 above.

PROKLAMASIE 192 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: LIMPOPO DEPARTEMENT VAN SPORT, KUNS EN KULTUUR**

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 Limpopo Departement van Sport, Kuns en Kultuur (hierna na verwys as "die Departement");

EN AANGESIEN die Staat of 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 Januarie 2011 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2011 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleentheid 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 aangeleentheid in die Bylae, insluitend die verhaal van enige verliese wat deur die Staat of die Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die 16^{de} dag van September Twee duisend-vier-en-twintig.

CM Ramaphosa
President

Op las van die President-in-Kabinet:

T Simelane
Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering vir, sekurtietsdienste deur of namens die Departement en betalings in verband daarmee gemaak op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
- (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of betrokke Provinsiale Tesourie uitgevaardig is; of
 - (iii) 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. Wanadministrasie in verband met die aangeleenthede van die Departement en enige verliese of nadeel gely deur die Departement of die Staat as gevolg van sodanige wanadministrasie ten opsigte van—

- (a) die onreëlmatige aanstelling van personeel by die Departement in vyf (5) distrikte, naamlik Waterberg, Sekhukhune, Vhembe, Capricorn en Mopani ingevolge Omsendbrief nommer 7 van 2016 in die posisie van Assistent-Direkteur: Batebestuur;
- (b) betalings nie betaalbaar of verskuldig nie, of betalings deur die Departement gemaak aan entiteite vir dienste nie gelewer nie; en
- (c) die 2016/2017 finansiële jaar Mapungubwe Kuns, Kultuur en Erfenis Fees.

3. Enige onreëlmatige of onbehoorlike optrede deur beamptes of werknemers van die Departement, die betrokke verskaffers of diensverskaffers of enige ander persoon of entiteit, ten opsigte van die bewerings uiteengesit in paragrawe 1 en 2 van hierdie Bylae.