

PROCLAMATION 214 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 South African Special Risk Insurance Association SOC Limited (hereinafter referred to as "SASRIA");

AND WHEREAS SASRIA or the State 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 to this Proclamation, in respect of SASRIA, 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 SASRIA;
- (b) improper or unlawful conduct by the employees or officials of SASRIA;
- (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 SASRIA; 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 July 2021 and the date of publication of this Proclamation or which took place prior to 1 July 2021 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 to this Proclamation 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 SASRIA 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 Pretoria this 25th day of October Two thousand and twenty-four.

CM Ramaphosa
President

By Order of the President-in-Cabinet:
T Simelane
Minister of the Cabinet

SCHEDULE

1. Serious maladministration in connection with the affairs of SASRIA relating to the receipt, capturing, processing, verification, assessment, authorisation and payment of claims related to the July 2021 civil unrest, by SASRIA in a manner that was—
- (a) conducted by or facilitated through the unlawful or improper conduct of—
 - (i) employees, officials or agents of SASRIA; or
 - (ii) any other person or entity,
to corruptly or unduly benefit themselves or others;
 - (b) contrary to the applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury; or
 - (iii) manuals, codes, policies, procedures, prescripts, guidelines, instructions or practices of, or applicable to SASRIA; or
 - (c) fraudulent,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred or losses suffered by SASRIA or the State in relation thereto.
2. Any irregular, unlawful or improper conduct by officials or employees of SASRIA, or any other person or entity, in relation to the allegations as set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 214 VAN 2024

deur 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

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna "die Wet" genoem), gemaak is ten opsigte van die sake van die South African Special Risk Insurance Association SOC Limited (hierna "SASRIA" genoem);

EN AANGESIEN SASRIA of die Staat verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat die vermelde bewerings ondersoek moet word en siviele verrigtinge wat uit sodanige ondersoek voortspruit, bereg moet word;

verwys ek DERHALWE nou, kragtens artikel 2(1) van die Wet, die aangeleentehede in die Bylae vermeld, ten opsigte van SASRIA, 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 aangeleentehede, dit die opdrag van die Spesiale Ondersoekeenheid is om ondersoek in te stel, soos in die Wet beoog, na enige beweerde—

- (a) ernstige wanadministrasie in verband met die sake van SASRIA;
- (b) onbehoorlike of onregmatige optrede deur werknemers of beamptes van SASRIA;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of niegoedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van 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 in verband met die sake van Transnet gepleeg is; of
- (g) onregmatige 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 tussen 1 Julie 2021 en die datum van publikasie van hierdie Proklamasie plaasgevind het of wat voor 1 Julie 2021 of na die datum van publikasie van hierdie Proklamasie plaasgevind het, maar betrekking het op, verband hou met, insidenteel of aanvullend is tot die aangeleentehede in die Bylae of dieselfde persone, entiteite of kontrakte betrek wat onder die gesag van hierdie Proklamasie ondersoek word, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die vermelde Spesiale Ondersoekeenheid verleen word, uit te voer of te verrig, met inbegrip van om enige verliese wat SASRIA of die Staat met betrekking tot die in die Bylae vermelde sake, gely het, te verhaal.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 25^{de} dag van Oktober Tweeduisend vier-en-twintig.

CM Ramaphosa
President

Op las van die President in die Kabinet:

T Simelane
Minister van die Kabinet

BYLAE

1. Ernstige wanadministrasie in verband met die sake van SASRIA betreffende die ontvangs, vaslegging, verwerking, verifieëring, assessering, magtiging en betaling van eise wat met die burgerlike onrus van Julie 2021 verband hou, deur SASRIA op 'n wyse wat—
 - (a) gevoer is of vergemaklik is deur die onregmatige of onbehoorlike gedrag van—
 - (i) werknemers, beamptes of agente van SASRIA; of
 - (iii) enige ander persoon of entiteit, om hulself of ander op 'n korrupte wyse of ten onregte te bevoordeel;
 - (b) wat strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendbriewe, of opdragte deur die Nasionale Tesourie uitgereik; of
 - (iii) handleidings, kodes, prosedures, voorskrifte, riglyne, instruksies of praktyke van of van toepassing op SASRIA; of
 - (c) bedrieglik was, en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwistende uitgawes aangegaan of verliese gely deur SASRIA of die Staat in verband daarmee.

2. Enige onreëlmatige, onregmatige of onbehoorlike optrede deur beamptes of werknemers van SASRIA, of enige ander persoon of entiteit, in verband met die bewerings soos in paragraaf 1 van hierdie Bylae uiteengesit.