
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NOTICE 265 OF 2025

**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: HOUSING DEVELOPMENT AGENCY

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 Housing Development Agency ("the agency") and the Eastern Cape Department of Human Settlements, Free State Department of Human Settlements, Gauteng Department of Human Settlements, KwaZulu-Natal Department of Human Settlements, Mpumalanga Department of Human Settlements, North West Department of Human Settlements, Northern Cape Department of Co-operative Governance, Human Settlements and Traditional Affairs and Western Cape Department of Human Settlements ("the departments");

AND WHEREAS the agency and departments 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 agency and departments, 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 agency and departments;
- (b) improper or unlawful conduct by employees of the agency and departments;
- (c) unlawful expenditure of public money;
- (d) 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 agency and departments; or
- (e) 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 April 2016 and the date of publication of this Proclamation or which took place prior to 1 April 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 agency and departments 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 Cape Town this 3rd day of April Two thousand and twenty-five.

MC Ramaphosa

President

By Order of the President-in-Cabinet:

T Simelane

Minister of the Cabinet

SCHEDULE

1. Serious maladministration in the affairs of the Housing Development Agency (“the agency”) and the Eastern Cape Department of Human Settlements, Free State Department of Human Settlements, Gauteng Department of Human Settlements, KwaZulu-Natal Department of Human Settlements, Mpumalanga Department of Human Settlements, North West Department of Human Settlements, Northern Cape Department of Co-operative Governance, Human Settlements and Traditional Affairs and Western Cape Department of Human Settlements (“the departments”), in respect of the identification, acquisition, holding, development and release of state, communal and privately owned land, as listed in Annexure “A” hereto, for residential and community purposes by the Agency, in its own name, or for and on behalf of the provincial departments, or by the provincial departments in their own name, in a manner that was—
 - (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to applicable:
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury;
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the agency and departments;and related unauthorised, irregular or fruitless and wasteful expenditure incurred by the agency and departments or losses suffered by the agency, departments or the State in relation to the allegations set out above.
2. Any irregular, improper or unlawful conduct by—
 - (a) the applicable service provider of the agency and departments; or
 - (b) any other person or entity,relating to the allegations referred to in paragraph 1 of this Schedule.