PROCLAMATION NO. R. 40 OF 2020

by the
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): AMENDMENT OF PROCLAMATION NO.R. 4 OF 2020

Under section 2(4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), I hereby amend Proclamation No. R. 4 of 2020 (hereinafter referred to as "the Proclamation"), by—

(a) the substitution for the first paragraph of the Proclamation of the following paragraph:
"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 National Treasury, the State Information Technology Agency (SITA) SOC Ltd. and the Department of Public Service and Administration (hereinafter collectively referred to as "the Institutions");";

(b) the substitution for the phrase "National Treasury" in the second paragraph of the Proclamation of the word "Institutions";

(c) the substitution for the phrase "National Treasury" in the fourth paragraph of the Proclamation of the word "Institutions";

(d) the substitution for the date "1 January 2016" wherever it appears in the fourth paragraph of the Proclamation of the date "1 November 2013";

(e) the extension of the period referred to in the fourth paragraph of the Proclamation to the date of publication of this Proclamation;

(f) the substitution for paragraph 1 of the Schedule to the Proclamation of the following paragraph:

"1. The procurement of, or contracting for the Integrated Financial Management System by or on behalf of the Institutions, 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, practice notes, circulars or instructions issued by the National Treasury; or

(iii) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Institutions; or

(c) facilitated through the unlawful, irregular or improper intervention of employees or officials of the Institutions,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Institutions or the State as a result thereof.";

(g) the substitution for paragraph 2 of the Schedule to the Proclamation of the following paragraph:

"2. Any unlawful or improper conduct by employees or officials of the Institutions (including their respective Executive Authorities and agents) or the service providers in question, their employees (including their agents) or any other person or entity, relating to the allegations set out in paragraph 1 of this Schedule.".

Given under my Hand and the Seal of the Republic of South Africa at Johannesburg... this ......09........ day of December Two thousand and twenty.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

PROKLAMASIE NO. R. 40 VAN 2020

van die

PRESIDENT VAN DIE REPUBLIEK VAN SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): WYSIGING VAN PROKLAMASIE NO. R. 4 VAN 2020

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), wysig ek hierby Proklamasie No. R. 4 van 2020(hierna na verwys as "die Proklamasie") deur—

(a) die eerste paragraaf van die Proklamasie met die volgende paragraaf te vervang:
"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 aangeleenthede van die Nasionale Tesourie, die Staatsinligtingstegnologie Agenstskap (SITA) en die Departement van Staatsdiens en Administrasie (hierna kollektief na verwys as "die Instellings")";

(b) die frase "Nasionale Tesourie" in die tweede paragraaf van die Proklamasie met die woord "Instellings" te vervang;

(c) die frase "Nasionale Tesourie" in die vierde paragraaf van die Proklamasie met die woord "Instellings" te vervang;

(d) die datum "1 Januarie 2016" in die vierde paragraaf van die Proklamasie met die datum "1 November 2013" te vervang;

(e) die verlenging van die tydperk vermeld in die vierde paragraaf van die Proklamasie tot die datum van publikasie van hierdie Proklamasie;

(f) paragraaf 1 van die Bylae tot die Proklamasie met die volgende paragraaf te vervang:
"1. Die aanskaffing van of kontraktering vir die Geintegreerde Finansiële Bestuurstelsel deur of namens die Instellings en betalings wat in verband daarmee gemaak is 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 uitgevaardig is; of
(iii) handleidings, beleid, prosedures, voorskrifte, instruksies of

praktyke van, of wat op die Instellings toepassing is; of

(c) gefasiliteer was deur die onregmatige, onreëlmatige of onbehoorlike ingryping van werknemers of beamptes van die Instellings,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes wat aangegaan is deur die Instellings of die Staat."; en

(g) paragraaf 2 van die Bylae tot die Proklamasie met die volgende paragraaf te vervang:

"2. Enige onregmatige of onbehoorlike optrede deur werknemers of beamptes van die Instellings (insluitend hulle onderskeie UItvoerende Gesagte en agente), of die betrokke diensverskaffers, hulle werknemers (insluitend hulle agente) of enige ander persoon of entiteit met betrekking tot die bewerings uiteengesit in paragraaf (1) van hierdie Bylae.".

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Johannesburg op hede die ......09...... ..dag van ..DESEMBER.... Tweeduisend-en-twintig

President

Op las van die President-in-Kabinet:

Minister van die Kabinet