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Special Investigating Unit investigates SASRIA's July unrest claims, VUT student accommodation and security, Gauteng Health's two contracts and tenders

11 Nov 2024

SIU authorised to investigate SASRIA's July unrest claims, VUT student accommodation and security, Gauteng Health's two contracts and tenders in four municipalities.

President Cyril Ramaphosa has signed six new proclamations and one amendment authorising the Special Investigating Unit (SIU) to investigate allegations of maladministration in the affairs of the South African Special Risk Insurance Association (SASRIA) payments relating to July 2021 unrest, two contracts at the Vaal University of Technology, two contracts in Gauteng Department of Health, a tender in Tshwane Metropolitan Municipality, two contracts at Mahikeng Local Municipality, seven water-related tenders at Alfred Nzo District Municipality, and an amendment of Chris Hani District Municipality proclamation and to recover any loss the State has suffered.

State entities

SASRIA

Proclamation 214 of 2024 authorises the SIU to investigate allegations of 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.

The SIU's probe will seek to establish whether the claims made were in line with applicable legislation manuals, guidelines, policies, procedures, practice notes, instructions, prescripts or practices of the National Treasury. Furthermore, the probe will ascertain if there is unlawful or improper conduct of SASRIA's employees, officials and any other person or entity to corruptly or unduly benefit themselves or others.

The investigation will probe to see if there was fraudulent conduct, including the causes of such maladministration and any losses, damages or prejudice actually or potentially suffered by SASRIA or the State and any irregular, improper or unlawful conduct by employees or officials of SASRIA or any other person or entity.

The Proclamation covers allegations of unlawful and improper conduct that occurred between 1 July 2021 and 08 November 2024, as well as any related activities before 1 July 2021 and after the date of the Proclamation that are pertinent to the matters under investigation or involve the same persons, entities, or contracts.

Vaal University of Technology (VUT)

Proclamation 217 of 2024 authorises the SIU to investigate allegations of maladministration in the procurement of, or contracting for goods works or services by or on behalf of the University and payments made in respect of two contracts at VUT. These contacts are in relation to:

- services for the refurbishment of student residences during 2018
- campus security and protection-related services during 2018

The SIU investigation will examine whether the contracting of these goods and services was done in a manner that was not fair, competitive, transparent, equitable or cost-effective; or to applicable legislation manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the University or State or losses suffered.

The Proclamation covers allegations of unlawful and improper conduct that occurred between 1 January 2016 and 08 November 2024, as well as any related activities before 1 January 2016 and after the date of the Proclamation that are pertinent to the matters under investigation or involves the same persons, entities, or contracts.

Provincial Government

Gauteng Department of Health

Proclamation 215 of 2024 directs the SIU to investigate allegations of maladministration in the affairs of the Gauteng Department of Health relating to contracting for or procurement of goods, works or services of the following contracts:

- GT/GDH/027/2015: Supply and delivery of three-division plastic containers with lids, small tubs with lids and dual-surface polyester film
- GT/GDH/128/2016: Supply and delivery of orthopaedic implants, fracture treatment and arthroscopy items

The SIU seek to examine whether there was any conduct that is contrary to applicable legislation, manuals, guidelines, practice notes, circulars, or instructions issued by the National Treasury or relevant Provincial Treasury, as well as policies, procedures, and instructions applicable to the Department and its controlled entities, may be deemed fraudulent. Such conduct may include manipulation of the Department's supply chain management processes by service providers, suppliers, officials, or other third parties, often in collusion with Department employees or those in entities under its control, to secure undue benefits for themselves or others. This can result in unauthorised, irregular, or fruitless and wasteful expenditure incurred by the Department, its entities, or the State.

The Proclamation covers allegations of unlawful and improper conduct that occurred between 1 January 2015 and 08 November 2024, as well as any related activities before 1 January 2015 and after the date of the Proclamation that are pertinent to the matters under investigation or involves the same persons, entities, or contracts.

Local Government

Tshwane Metropolitan Municipality

Proclamation 212 authorises the SIU to investigate allegations of maladministration in the procurement of or contracting for goods, works, or services by or on behalf of the Municipality under tender number CB227/2013 – Stage 1 Upgrading and Extension of Macro Surveillance Closed Circuit Television System in Tshwane.

The investigation's focus will zoom into the payments and establish whether the contracting and procurement were conducted in a manner that was not fair, competitive, transparent, equitable, or cost-effective. Additionally, these activities were contrary to applicable legislation; manuals, guidelines, practice notes, circulars, or

instructions issued by the National Treasury or relevant Provincial Treasury; and policies, procedures, or practices of or applicable to the Municipality.

Furthermore, the SIU will seek to establish if there was unauthorised, irregular, or wasteful expenditure by the Municipality and losses incurred by the Municipality or the State.

Furthermore, there was unlawful or improper conduct by officials or employees of the Municipality, contractors, suppliers, service providers, or any other involved parties related to these allegations.

The Proclamation covers allegations of unlawful and improper conduct that occurred between 1 January 2014 and 08 November 2024, as well as any related activities before 1 January 2014 and after the date of the Proclamation that are pertinent to the matters under investigation or involves the same persons, entities, or contracts.

Mahikeng Local Municipality

Proclamation 213 of 2024 directs the SIU to investigate the procurement or contracting for goods and services related to two tenders by or on behalf of the Mahikeng Local Municipality:

- Lease Agreement SCM/MLM17(A)/12/2015 dated 15 December 2015
- Full Maintenance Lease Agreement SCM/MLM17(B)/12/2015 dated 23 February 2016

The SIU's probe will assess whether the payments made were conducted in a manner that was neither fair, competitive, transparent, equitable, nor cost-effective. These actions were contrary to applicable legislation; manuals, guidelines, practice notes, circulars, or instructions issued by the National Treasury or relevant Provincial Treasury; and policies, procedures, or practices applicable to the Mahikeng Municipality.

The SIU will seek to ascertain whether the process involved was unlawful, irregular, or improper intervention by employees or officials of the Mahikeng Municipality and, in some cases, was fraudulent and led to unauthorised, irregular, or wasteful expenditure by the Mahikeng Municipality or the State. Furthermore, ascertain whether there was unlawful or improper conduct by employees or officials of the Mahikeng Municipality, the service provider, or any other individuals or entities involved.

The Proclamation covers allegations of unlawful and improper conduct that occurred between 1 November 2015 and 08 November 2024, as well as any related activities before 1 November 2015 and after the date of the Proclamation that are pertinent to the matters under investigation or involve the same persons, entities, or contracts.

Alfred Nzo District Municipality

Proclamation 218 of 2024 authorises the SIU to investigate allegations of maladministration in seven contracts in the Alfred Nzo District Municipality. These contracts are:

- Implementation of Water Services Infrastructure Grant projects in Ntabankulu (Appointment of a panel of service providers, Consulting Engineers and Contractors, for the Planning, Design and Construction of Water Services Infrastructure Grant funded projects in the Alfred Nzo District Municipality - Ntabankulu Local Municipality);
- Mount Ayliff Bulk Peri-Urban Water Supply (Implementation of Pump station and a reservoir);

- Servicing Mbizana Town Area with 2ML Waste Water Treatment Works and Outfall Sewer (Construction of 2ML Waste Water Treatment Works and Outfall Sewer Pipeline) Mbizana Sewer;
- Kwabhaca Regional Bulk Water Supply Scheme at Mount Frere (Construction of Water Treatment Works and other water schemes at Mount Frere Peri-Urban);
- Tender No: ANDM/IDMS-PMU/131/13/06/18: Greater Mbizana Water Supply Project Phase 1A Contract 1B Village Reticulation to Ward 27: Qobo and Mfundeni;
- Tender No: ANDM/IDMS-PMU/41/23/09/19: Greater Mbizana Water Supply Project Phase 33: Implementation of Ward 4 & 27: Zone 0 Main Pipeline Contract 3B; and
- Tender No: ANDM/IDMS-PMU/133/31/01/20: Matatiele Ward 5 Water Supply Project Phase 3 Contract 3 Matolweni Secondary Mains and Reticulation

The SIU probe will look at unauthorised, irregular, or wasteful expenditure incurred by the Municipality. Additionally, if there was irregular, unlawful, or improper conduct by officials or employees of the Municipality, contractors, suppliers, or service providers associated with the Municipality, or any other involved person or entity.

The Proclamation covers allegations of unlawful and improper conduct that occurred between 1 January 2015 and 08 November 2024, as well as any related activities before 1 January 2015 and after the date of the Proclamation that are pertinent to the matters under investigation or involves the same persons, entities, or contracts.

Chris Hani District Municipality

Proclamation 216 of 2024 amends Proclamation No. R. 3618 of 2023 in the Chris Hani District Municipality concerning the appointment of the Chris Hani Co-operative Development Centre NPC for the conversion of the Community Service Providers and Operators into functional co-operatives.

The amendment results from the SIU's investigations which revealed that the SIU needs to investigate further areas that the existing proclamations did not cover. The SIU requested a Proclamation amendment in terms of time and focus areas. The amendment authorises the SIU to investigate the following areas in the Municipality:

1. The investigation period has been extended to start from 01 December 2011 to 08 November 2024.
2. To add the procurement of goods, works or services in terms of Tender No. 33/2015/MD (TN) – Cluster 9 Backlog Eradication: Tsomo Water Treatment and River Abstraction Works.

Beyond investigating maladministration, corruption, and fraud, the SIU will identify systemic failures and recommend measures to prevent future losses.

In line with the Special Investigating Units and Special Tribunals Act 74 of 1996 (SIU Act), the SIU will refer any evidence of criminal conduct uncovered during its investigation to the National Prosecuting Authority (NPA) for further action.

The SIU is also authorised under the SIU Act to initiate a civil action in the High Court or a Special Tribunal in its name to address any wrongdoing identified during its investigation resulting from acts of corruption, fraud, or maladministration.

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