

PROCLAMATION NO. R. 36 OF 2019

**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 National Department of Agriculture, Forestry and Fisheries (hereinafter referred to as “the DAFF”);

AND WHEREAS the DAFF or the State 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 DAFF, 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 DAFF;
- (b) improper or unlawful conduct by employees or officials of the DAFF;
- (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 DAFF; 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 March 2017 and the date of publication of this Proclamation or which took place prior to 1 March 2017 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 DAFF 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 Johannesburg this 7th day of June Two thousand and nineteen.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

TM Masutha
Minister of the Cabinet

Schedule

1. Maladministration in the affairs of the DAFF in relation to—
 - (a) the mismanagement of the Comprehensive Agricultural Support Programme (hereinafter referred to as the "CASP");
 - (b) the allocation and use of CASP funds; and
 - (c) the monitoring of projects that were funded in terms of the CASP, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the DAFF or the State, including the causes of such maladministration.

2. The use of CASP funds to procure or contract for goods or services by or on behalf of the DAFF and payments which were made in respect thereof in a manner that was—
 - (a) not fair, equitable, transparent, competitive or cost-effective; or
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury; or
 - (iii) manuals, codes, guidelines, policies, procedures, prescripts, instructions or practices of, or applicable to the DAFF,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the DAFF or the State.

3. Any unlawful or improper conduct by the employees or officials of the DAFF or applicable service providers, or any other person or entity in relation to the allegations set out in paragraphs 1 or 2 of this Schedule.