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PROCLAMATION NOTICE 304 OF 2025

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): RELATING TO THE AFFAIRS OF THE DEPARTMENT OF SCIENCE, TECHNOLOGY AND INNOVATION; TECHNOLOGY INNOVATION AGENCY; UNIVERSITY OF KWAZULU-NATAL; AND COUNCIL FOR SCIENTIFIC AND INDUSTRIAL RESEARCH

"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 Department of Science, Technology and Innovation ("the Department"); Technology Innovation Agency ("TIA"); University of KwaZulu-Natal ("UKZN"); and Council for Scientific and Industrial Research ("CSIR"), hereinafter collectively referred to as ("the Institutions");

AND WHEREAS the Institutions 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 Institutions, 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 Institutions;
(b) improper or unlawful conduct by employees of the Institutions;
(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 Institutions; 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 January 2021 and the date of publication of this Proclamation or which took place prior to 1 January 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 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 Institutions 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 13 day of November Two thousand and twenty-five.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

Schedule

1. The procurement of, or contracting for goods works or services in terms of the following contracts—
   1.1 Development of a National Vaccine Manufacturing Strategy for South Africa (concluded between the Department and the TIA) in terms of Project Funding Agreement No. DSI/CON C2644/2022;
   1.2 Finalisation of the Development of the Overarching Vaccine Development Manufacturing and Innovation Strategy and to Kick Start the Implementation of Catalytic Projects (concluded between the Department and the UKZN) in terms of Project Funding Agreement No. DSI/CON C2873/2022;
   1.3 Initiating Virus Like Particles (VLP) Platform (concluded between the Department and the UKZN) in terms of Project Funding Agreement No. DSI/CON C3011/2023; and
   1.4 To Support the Activities of the Research as it Relates to Initiating Virus Like Particles (VLP) Platform (concluded between the Department and the CSIR) in terms of Project Funding Agreement No. DSI/CON 3509/2024,

   by or on behalf of the Institutions, and payments made in relation thereto in a manner that was—
   (a) not fair, competitive, transparent, equitable 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, policies, procedures, prescripts, instructions or practices of or applicable to the Institutions,

   and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Institutions or the State.

2. Any irregular, unlawful or improper conduct, including serious maladministration and the causes thereof, by—
   (a) officials or employees of the Institutions; or
   (b) the applicable suppliers or service providers of the Institutions; or
   (c) any other person or entity,

   in relation to the allegations as set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 304 VAN 2025

van die

PRESIDENT van die REPUBLIEK van SUID-AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): MET BETREKKING TOT AANGELEENTHEDE VAN DIE DEPARTEMENT VAN WETENSKAP, TEGONOLOGIE EN INNOVERING; TEGNOLOGIE INNOVERING AGENTSKAP; UNIVERSITEIT VAN KWAZULU-NATAL; EN WETENSKAP EN NYWERHEIDS NAVORSINGSRAAD

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 Departement van Wetenskap, Tegnologie en Innovering (“die Departement”), Tegnologie Innovering Agentskap (“TIA”), Universiteit van KwaZulu-Natal (“UKZN”), en Wetenskap en Nywerheids Navorsingsraad (“WNNR”), hierna gesamentlik verwys as (“die Instellings”);

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

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE, verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Instellings, 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 aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

(a) ernstige wanadministrasie in verband met die aangeleenthede van die Instellings;
(b) onbehoorlike of onregmatige optrede deur werknemers van die Instellings;
(c) onregmatige bewilliging of besteding van publieke geld of eiendom;
(d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling,

transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;

(e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;

(f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voorgenoemde 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 gepleeg is in verband met die aangeleentede van die Instellings; of

(g) onwettige 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 plaasgevind het tussen 1 Januarie 2021 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2021 of na die datum van publikasie van hierdie Proklamasie, maar wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Instellings of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 13 dag van November Twee duisend vyf-en-twintig.

President

Op las van die President-in-Kabinet:

Minister van die Kabinet

Bylae

1. Die aanskaffing van, of kontraktering vir goedere, werk of dienste in verband met die volgende kontrakte—
   1.1 Ontwikkeling van ‘n Nasionale Teenentings Strategie vir Suid-Afrika (gesluit tussen die Departement en die TIA) ingevolge Projek Bevondsings Ooreenkoms No. DSI/CON C2644/2022;
   1.2 Finalisering van die Ontwikkeling van die Oorhoofse Teenentings Ontwikkeling en Innoverings Strategie om die Implementering van Katalistiese Projekte aan die gang te sit (gesluit tussen die Departement en die UKZN) ingevolge Projek Bevondsings Ooreenkoms No. DSI/CON C2873/2022;
   1.3 Inisiëring van die “Virus Like Particles (VLP)” Platform (gesluit tussen die Departement en die UKZN) ingevolge Projek Bevondsings Ooreenkoms No. DSI/CON C3011/2023; en
   1.4 Om die Aktiwiteite te Steun van die Navorsing soos dit verband hou met Inisiëring van “Virus Like Particles (VLP)” Platform (gesluit tussen die Departement en die WNNR) ingevolge Projek Bevondsings Ooreenkoms No. DSI/CON 3509/2024,

   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 of die Staat van toepassing is;

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

2. Enige onreëlmatige, onregmatige of onbehoorlike gedrag, met inbegrip van ernstige wanadministrasie en die oorsake daarvan, deur—
   (a) beamptes of werknemers van die Instellings; of
   (b) die betrokke verskaffers of diensverskaffers van die Instellings; of
   (c) enige ander persoon of entiteit,

   met betrekking tot die bewerings in paragraaf 1 in hierdie Bylae uiteengesit.

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