

---

**PROCLAMATIONS • PROKLAMASIES**

---

**PROCLAMATION NO. R. 2 OF 2020**

**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 South African Airways SOC Limited (hereinafter referred to as “the SAA”);

AND WHEREAS the SAA 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 SAA, 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 SAA;
- (b) improper or unlawful conduct by the officials or employees of the SAA;
- (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 SAA; 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 2002 and the date of publication of this Proclamation or which took place prior to 1 January 2002 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 SAA 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 20 day of December Two thousand and nineteen.

**CM Ramaphosa**

**President**

By Order of the President-in-Cabinet:

**R Lamola**

**Minister of the Cabinet**

## SCHEDULE

1. The procurement of, or contracting for—
  - (a) Airbus aircraft;
  - (b) maintenance, repair and operations services;
  - (c) legal services in terms of Bid number: RFQ-GSM073/19 and Bid number: RFQ-GSM117/14 (Panel); and
  - (d) service providers to support and expedite the implementation of the SAA Turn Around Plan in terms of Bid number: RFQ-GSM015/18 and Bid number: RFQ-GSM094/18,

by or on behalf of the SAA, and payments made in respect thereof in a manner that was—

- (i) not fair, competitive, transparent, equitable or cost-effective; or
- (ii) contrary to applicable—
  - (aa) legislation;
  - (bb) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury; or
  - (cc) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the SAA,

and any related losses or irregular or fruitless and wasteful expenditure incurred by the SAA or the State as a result thereof.

2. Maladministration in the affairs of the SAA in relation to—
  - (a) travel rebate benefits for qualifying beneficiaries;
  - (b) payments that the SAA made to vendors; and
  - (c) the implementation of the SAA's procurement policy provides for the procurement of 30% of goods and services for small, medium and micro enterprises, in respect of the supply and delivery of jet fuel.

3. Any irregular, improper or unlawful conduct by—
  - (a) officials or employees of the SAA; or
  - (b) any other person or entity,

in relation to the allegations set out in paragraphs 1 or 2 of this Schedule.