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PROCLAMATIONS

by the

President of the Republic of South Africa

No. R. 20, 1998

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996)

REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2 (2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), have been made in respect of the affairs of the State institutions mentioned in the Schedule (hereinafter referred to as "the State institutions");

AND WHEREAS I deem it necessary that the said allegations should be investigated and any justiciable civil disputes emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2 (1) of the said Act, and after consultation with the Premier of the Province of the Northern Cape refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of any justiciable civil dispute emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 and determine that, for the purposes of the investigation of these matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the said Act, any—

- (a) serious maladministration in connection with the affairs of any such State institution;
- (b) improper or unlawful conduct by employees of any such State institution;
- (c) unlawful appropriation or expenditure of public money or property;

- (d) unlawful, irregular or unapproved acquisitive act, transaction, measure or practise having a bearing upon state property;
- (e) intentional or negligent loss of public money or damage to public property;
- (f) corruption in connection with the affairs of any such State institution; 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 has taken place between 27 April 1994 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-fourth day of February, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

SCHEDULE

1. The irregular granting or rejection of housing subsidies by the Provincial Housing Board in the Province of the Northern Cape.
2. The irregular conclusion of contracts between the Government of the Province of the Northern Cape and Kim-Diamonds (Pty) Ltd for the acquisition on hire-purchase of the Kim-Diamonds Building in Kimberley and the irregular procedures followed in this regard by officials in the provincial Tender Board, Departments of Finance and Public Works and the Office of the Premier of the Northern Cape.

PROKLAMASIES

van die

President van die Republiek van Suid-Afrika

No. R. 20, 1998

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996)

**VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN
SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2 (2) van die Wet op Spesiale Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Staatsinstellings vermeld in die Bylae (hierna "die Staatsinstellings" genoem);

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

DERHALWE verwys ek hierby, kragtens artikel 2 (1) van gemelde Wet, en na oorleg met die Premier van die Provinsie van die Noord-Kaap die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekkeenheid en vir beregting van enige beregbare siviele geskil voortspruitend uit sodanige ondersoek na die Spesiale Tribunaal ingestel by Proklamasie No. R. 24 van 14 Maart 1997 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekkeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van enige sodanige Staatsinstelling;
- (b) onbehoorlike of onregmatige optrede deur werknemers van enige sodanige Staatsinstelling;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;

- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat betrekking het op Staatseiendom;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) korrupsie in verband met die sake van enige sodanige Staatsinstelling; en
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 27 April 1994 en die datum van publikasie van hierdie Proklamasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad, op hede die Vier-en-twintigste dag van Februarie, Eenduisend Negehonderd Agt-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

BYLAE

1. Die onreëlmatige toestaan of weiering van behuisingssubsidies deur die Provinsiale Behuisingsraad in die Provinsie van die Noord-Kaap.
2. Die onreëlmatige sluiting van kontrakte tussen die Regering van die Provinsie van die Noord-Kaap en Kim-Diamonds (Edms.) Bpk. vir die verkryging op huurkoop van die Kim-Diamonds-gebou in Kimberley en die onreëlmatige prosedures in hierdie verband gevolg deur beamptes van die provinsiale Tenderraad, Departemente van Finansies en Openbare Werke en die Kantoor van die Premier van die Noord-Kaap.

No. R. 21, 1998

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996)

REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL

WHEREAS allegations as contemplated in section 2 (2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), have been made in respect of the affairs of the State institutions mentioned in the Schedule (hereinafter referred to as "the State institutions");

AND WHEREAS I deem it necessary that the said allegations should be investigated and any justiciable civil disputes emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2 (1) of the said Act, and after consultation with the Premier of the Province of KwaZulu/Natal, refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of any justiciable civil dispute emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 and determine that, for the purposes of the investigation of these matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the said Act, any—

- (a) serious maladministration in connection with the affairs of any such State institution;
- (b) improper or unlawful conduct by employees of any such State institution;
- (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) corruption in connection with the affairs of any such State institution; 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 has taken place between 1 January 1992 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-fourth day of February, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

SCHEDULE

1. The theft of State owned motor vehicles from Manguzi Hospital.
2. The irregular alteration of transactions in official order books and official order forms that were issued for the repair of State owned motor vehicles to inflate the amounts reflected on such order forms and the payment of such inflated amounts by the provincial Department of Transport of KwaZulu/Natal.
3. The irregular use of Government First Auto Cards by officials of the Provincial Department of Transport of KwaZulu/Natal to unlawfully obtain money from business institutions.
4. The unlawful purchase with State money of furniture and electrical equipment for private use by officials of the provincial Department of Transport of KwaZulu/Natal.
5. The entering into of a false contract by the provincial Department of Local Government and Housing of KwaZulu/Natal for the erection of a school and creche and the submission of fraudulent attendance registers and progress payment certificates in this respect.
6. The fraudulent drawing of cheques from the provincial Department of Local Government and Housing of KwaZulu/Natal and the presentation of such cheques for payment.
7. The private use of construction, earthmoving and plant equipment hired on behalf of the provincial Department of Local Government and Housing of KwaZulu/Natal, the use of building material belonging to the provincial Department of Local Government and Housing of KwaZulu/Natal at Idube International Raceway by Idube Investments (Pty) Ltd and the use of official Government projects as a front for the resulting unlawful expenditure.
8. The fraudulent purchase of steel containers by the provincial Department of Local Government and Housing of KwaZulu/Natal and the appropriation of such containers for private use.

No. R. 21, 1998

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996) **VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN** **SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2 (2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Staatsinstellings vermeld in die Bylae (hierna "die Staatsinstellings" genoem);

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

DERHALWE verwys ek hierby, kragtens artikel 2 (1) van gemelde Wet, en na oorleg met die Premier van die Provinsie KwaZulu/Natal, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekkeenheid en vir beregting van enige beregbare siviele geskil voortspruitend uit sodanige ondersoek na die Spesiale Tribunaal ingestel by Proklamasie No. R. 24 van 14 Maart 1997 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekkeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige—

- (a) ernstige wanadministrasie in verband met die aangeleenthede van enige sodanige Staatsinstelling;
- (b) onbehoorlike of onregmatige optrede deur werknemers van enige sodanige Staatsinstelling;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat betrekking het op Staatseiendom;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) korrupsie in verband met die sake van enige sodanige Staatsinstelling; en
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 1992 en die datum van publikasie van hierdie Proklamasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Vier-en-twintigste dag van Februarie, Eenduisend Negehonderd Agt-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

BYLAE

1. Die diefstal van motorvoertuie wat aan die Staat behoort van Manguzi-hospitaal.
2. Die onreëlmatige wysiging van transaksies in amptelike bestelboeke en amptelike bestelvorms wat uitgereik is vir die herstel van motorvoertuie wat deur die Staat besit word om die bedrae vervat in sodanige bestelvorms te verhoog en die betaling van sodanige verhoogde bedrae deur die provinsiale Departement van Vervoer van KwaZulu/Natal.
3. Die onreëlmatige gebruik van die Regering se Eerste Auto-kaarte deur beamptes van die provinsiale Departement van Vervoer van KwaZulu/Natal om onwettig geld van besigheidsinstellings te bekom.
4. Die onreëlmatige aankoop met Staatsgeld van meubels en elektriese toerusting vir private gebruik deur beamptes van die provinsiale Departement van Vervoer van KwaZulu/Natal.
5. Die sluiting van 'n bedrieglike kontrak deur die provinsiale Departement van Plaaslike Regering en Behuising van KwaZulu/Natal vir die oprigting van 'n skool en kleuterskool en die voorlegging van bedrieglike bywoningsregisters en vorderingsbetalingssertifikate in hierdie verband.
6. Die bedrieglike trekking van tjeks van die provinsiale Departement van Plaaslike Regering en Behuising van KwaZulu/Natal en die aanbieding van sodanige tjeks vir betaling.
7. Die private gebruik van konstruksie-, grondverskuiwings- en bedryfstoeusting, gehuur namens die provinsiale Departement van Plaaslike Regering en Behuising van KwaZulu/Natal, die gebruik van boumateriaal wat aan die provinsiale Departement van Plaaslike Regering en Behuising van KwaZulu/Natal behoort by Idube International Raceway deur Idube Investments (Edms.) Bpk. en die gebruik van amptelike Regeringsprojekte as dekmantel vir die gevolglike onwettige uitgawes.
8. Die bedrieglike aankoop van staalhouers deur die provinsiale Departement van Plaaslike Regering en Behuising van KwaZulu/Natal en die toe-eiening van sodanige houers vir private gebruik.

No. R. 22, 1998**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT No. 74 OF 1996)****REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL**

WHEREAS allegations as contemplated in section 2 (2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), have been made in respect of certain affairs of the National Department of Health (hereinafter referred to as "the Department") as mentioned in the Schedule;

AND WHEREAS I deem it necessary that the said allegations should be investigated and any justiciable civil disputes emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2 (1) of the said Act refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of any justiciable civil dispute emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 and determine that, for the purposes of the investigation of these matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the said Act, any—

- (a) unlawful appropriation or expenditure of public money or property;
- (b) intentional or negligent loss of public money or damage to public property; and
- (c) 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 has taken place between 1 June 1995 and 31 December 1996.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Twenty-fourth day of February One thousand Nine hundred and Ninety-eight.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

SCHEDULE

1. The conclusion of a contract by Mr Mbongeni Ngema and/or Committed Artists with the Department on 10 August 1995 in respect of the "Sarafina II" project, and the subsequent breach of such contract by Mr Ngema and/or Committed Artists.
2. The loss of public money and property due to the conduct of Mr Ngema and/or Committed Artists in connection with the "Sarafina II" project.
3. The unlawful expenditure and misappropriation by Mr Ngema and/or Committed Artists of funds voted for the "Sarafina II" project.

No. R. 22, 1998**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996)****VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID
EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2 (2) van die Wet op Spesiale Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met sekere aangeleenthede van die Nasionale Departement van Gesondheid (hierna "die Departement" genoem) soos vermeld in die Bylae;

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

DERHALWE verwys ek hierby, kragtens artikel 2 (1) van gemelde Wet, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekseenheid en vir beregting van enige beregbare siviele geskil voortspruitend uit sodanige ondersoek na die Spesiale Tribunaal ingestel by Proklamasie No. R. 24 van 14 Maart 1997 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekseenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige—

- (a) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (b) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom; en
- (c) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Junie 1995 en 31 Desember 1996.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Vier-en-twintigste dag van Februarie Eenduisend Negehoonderd Agt-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

BYLAE

1. Die sluiting van 'n kontrak deur mnr. Mbongeni Ngema en/of Committed Artists met die Departement op 10 Augustus 1995 in verband met die "Sarafina II"-projek, en die daaropvolgende kontrakbreuk deur mnr. Ngema en/of Committed Artists.
 2. Die verlies van publieke geld en eiendom weens die optrede van mnr. Ngema en/of Committed Artists in verband met die "Sarafina II"-projek.
 3. Die onregmatige uitgawe en wanbesteding deur mnr. Ngema en/of Committed Artists van fondse bestem vir die "Sarafina II"-projek.
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