

REPUBLIC
OF
SOUTH AFRICA



REPUBLIEK
VAN
SUID-AFRIKA

Government Gazette Staatskoerant

Regulation Gazette

No. 6296

Regulasiekoerant

Vol. 399

PRETORIA, 16 SEPTEMBER 1998

No. 19237

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 93, 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 and/or their predecessors in law (hereinafter referred to as "the State institutions");

AND WHEREAS I deem it necessary that the said allegations should be investigated and 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 Premiers of the provinces concerned, refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of justiciable civil disputes 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 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 interest 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 Fifteenth day of September, One thousand Nine hundred and Ninety-eight.

M. G. BUTHELEZI

Acting President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

SCHEDULE**PROVINCE OF THE EASTERN CAPE****Department of Education, Culture and Sport**

The unlawful, unauthorised and/or irregular payment of a salary to a former official whose employment was terminated by the provincial Department of Education, Culture and Sport of the Eastern Cape.

Department of Public Works

The unlawful, unauthorised and/or irregular—

- (a) allocation of maintenance and repair contracts;
- (b) approval of fictitious work order forms; and
- (c) payments made in respect of work which was not done,

by employees of the provincial Department of Public Works of the Eastern Cape.

Department of Welfare

1. The unlawful, unauthorised and/or irregular payment of subsidies to Sisonke Community Centre by the provincial Department of Welfare of the Eastern Cape.

2. The failure by Sisonke Community Centre to account for funds received from the provincial Department of Welfare of the Eastern Cape and to keep proper financial statements and to submit audited financial statements to the said provincial Department.

3. The misappropriation of funds of the Sisonke Community Centre.

4. The theft and/or loss of Government cheques payable to pensioners at the provincial Department of Welfare, Bisho.

5. The unlawful, unauthorised and/or irregular drawing of cheques of the provincial Department of Welfare of the Eastern Cape payable to pensioners.

NORTH WEST PROVINCE**Department of Health and Welfare**

The submission of falsified and/or duplicated invoices by businesses delivering supplies for purposes of the State feeding scheme for children at primary schools in the North West Province and the subsequent unauthorised and/or irregular payments by the provincial Department of Health and Welfare.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 93, 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 Ondersoekeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Staatsinstellings vermeld in die Bylae en/of hulle regsvoorgangers (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 Premiers van die betrokke Provinsies, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenheid en vir beregting van beregbare siviele geskille 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 Ondersoekeenheid 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; of

(g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadering 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 Vyftiende dag van September Eenduisend Negehonderd Agt-en-negentig.

M. G. BUTHELEZI

Waarnemende President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

BYLAE

PROVINSIE VAN DIE OOS-KAAP

Departement van Onderwys, Kultuur en Sport

Die onregmatige, ongemagtigde en/of onreëlmatige betaling van 'n salaris aan 'n voormalige beampte wie se dienste deur die provinsiale Departement van Onderwys, Kultuur en Sport van die Oos-Kaap beëindig is.

Departement van Openbare Werke

Die onregmatige, ongemagtigde en/of onreëlmatige—

- (a) toekenning van kontrakte vir instandhouding en herstel;
- (b) goedkeuring van fiktiewe werkbestelvorms;
- (c) betalings gemaak vir die doeleindes van werk wat nie gedoen is nie,

deur werknemers van die provinsiale Departement van Openbare Werke van die Oos-Kaap.

Departement van Welsyn

1. Die onregmatige, ongemagtigde en/of onreëlmatige betaling van subsidies aan Sisonke Gemeenskapsentrum deur die provinsiale Departement van Welsyn van die Oos-Kaap.
2. Die versuim deur Sisonke Gemeenskapsentrum om rekenskap te gee vir fondse wat vanaf die provinsiale Departement van Welsyn van die Oos-Kaap ontvang is en om behoorlike finansiële state by te hou en geouditeerde finansiële state by die betrokke provinsiale Departement in te dien.
3. Die wanbesteding van fondse van die Sisonke Gemeenskapsentrum.
4. Die diefstal en/of verlies van Staatstjeks betaalbaar aan pensionarisse by die provinsiale Departement van Welsyn, Bisho.
5. Die onregmatige, ongemagtigde en/of onreëlmatige trekking van tjeks van die provinsiale Departement van Welsyn van die Oos-Kaap, betaalbaar aan pensionarisse.

NOORDWES-PROVINSIE

Departement van Gesondheid en Welsyn

Die voorlegging van vervalste en/of duplikaat fakture deur besighede wat voorrade gelewer het vir doeleindes van die Staatsvoedingskema vir kinders by primêre skole in die Noordwes-provinsie en die gevolglike ongemagtigde en/of onreëlmatige betalings deur die provinsiale Departement van Gesondheid en Welsyn.

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