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OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

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**No. 19715**

## **PROCLAMATION**

*by the*

*President of the Republic of South Africa*

**No. R. 10, 1999**

### **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 Department of Defence;

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, 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 the Department of Defence;
- (b) improper or unlawful conduct by employees of the Department of Defence;
- (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 the Department of Defence; 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 1990 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria  
this Twenty-eighth day of January One thousand Nine hundred and Ninety-nine.

**T. M. MBEKI**  
**Acting President**

By Order of the President-in-Cabinet:

**A. M. OMAR**  
**Minister of the Cabinet**

## SCHEDULE

1. The failure by members of the Department of Defence to properly perform their duties and/or exercise their functions and/or powers pertaining to matters in respect of the maintenance and repair of military vehicles of the Department and/or to properly manage, control and/or administer such matters, which resulted in the subsequent loss of public money.
2. The unlawful, unauthorised and/or irregular -
  - (a) acquisition of spare parts;
  - (b) contractual assignment of private businesses to perform certain work; and
  - (c) contracting of skilled labour from the private sector,by the Department of Defence, in respect of the maintenance and repair of military vehicles of the Department, and the subsequent loss of public money.
3. The unauthorised and/or irregular performance of work by members of the Department of Defence in respect of the maintenance and repair of military vehicles of the Department.
4. The unlawful, unauthorised and/or irregular payment of money and/or supply of goods to officials or former officials of the Department of Defence involved with the maintenance and repair of military vehicles in exchange for certain favours.
5. The failure by members of the Department of Defence to sell scrap metal timeously, which resulted in the subsequent loss of public money.

**PROKLAMASIE***van die**President van die Republiek van Suid-Afrika***No. R. 10, 1999****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 aangeleentheid van die Departement van Verdediging;

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 aangeleentheid 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 aangeleentheid, 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 die Departement van Verdediging;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Departement van Verdediging;
- (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 die Departement van Verdediging; of
- (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 1990 en die datum van publikasie van hierdie Proklamasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Agt-en-twintigste dag van Januarie Eenduisend Negehonderd Nege-en-negentig.

**T. M. MBEKI**

**Waarnemende President**

Op las van die President-in-Kabinet:

**A. M. OMAR**

**Minister van die Kabinet**

**BYLAE**

1. Die versuim deur lede van die Departement van Verdediging om behoorlik hulle pligte uit te voer en/of hulle werksaamhede en/of bevoegdhede uit te oefen met betrekking tot aangeleenthede ten opsigte van die onderhoud en herstel van militêre voertuie van die Departement en/of om sodanige aangeleenthede behoorlik te bestuur, te beheer en/of te administreer wat tot die gevolglike verlies van publieke geld aanleiding gegee het.
2. Die onregmagtige, ongemagtigde en/of onreëlmatige -
  - (a) verkryging van onderdele;
  - (b) kontraktuele aanwysing van private besighede om sekere werk te verrig;  
en
  - (c) kontraktering van geskoolde arbeid uit die privaatsektor,deur die Departement van Verdediging ten opsigte van die onderhoud en herstel van militêre voertuie van die Departement en die gevolglike verlies van publieke geld.
3. Die ongemagtigde en/of onreëlmatige verrigting van werk deur lede van die Departement van Verdediging ten opsigte van die onderhoud en herstel van militêre voertuie van die Departement.
4. Die onregmatige, ongemagtigde en/of onreëlmatige betaling van geld en/of verskaffing van goedere aan beamptes of voormalige beamptes van die Departement van Verdediging betrokke by die onderhoud en herstel van militêre voertuie in ruil vir sekere gunste.
5. Die versuim deur lede van die Departement van Verdediging om skrootmetaal tydig te verkoop, wat tot die gevolglike verlies van publieke geld aanleiding gegee het.





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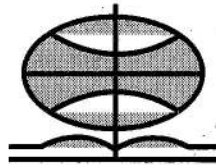
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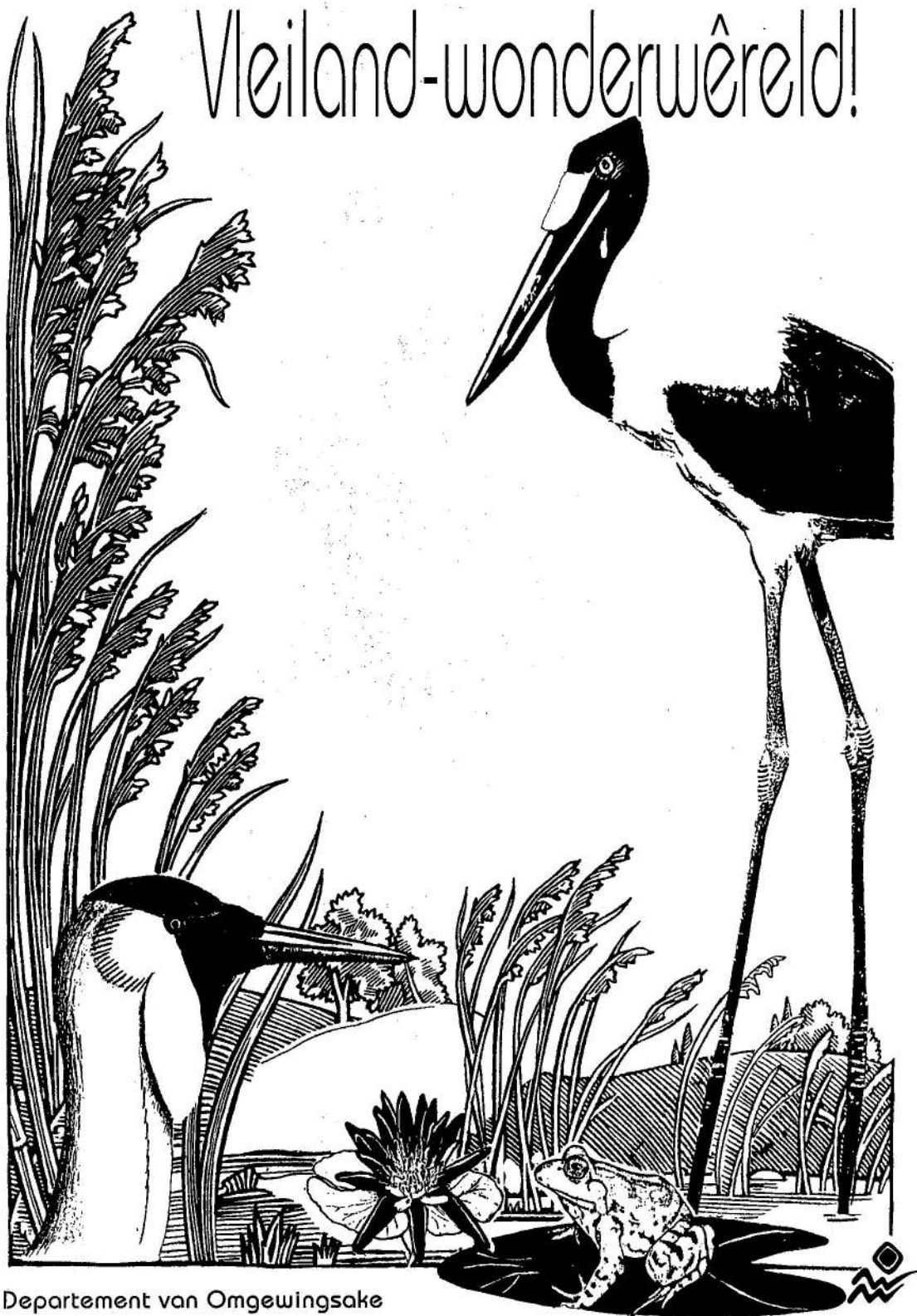
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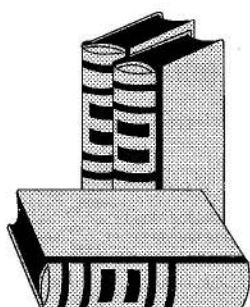
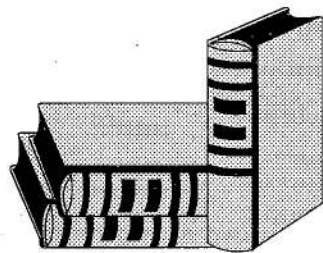


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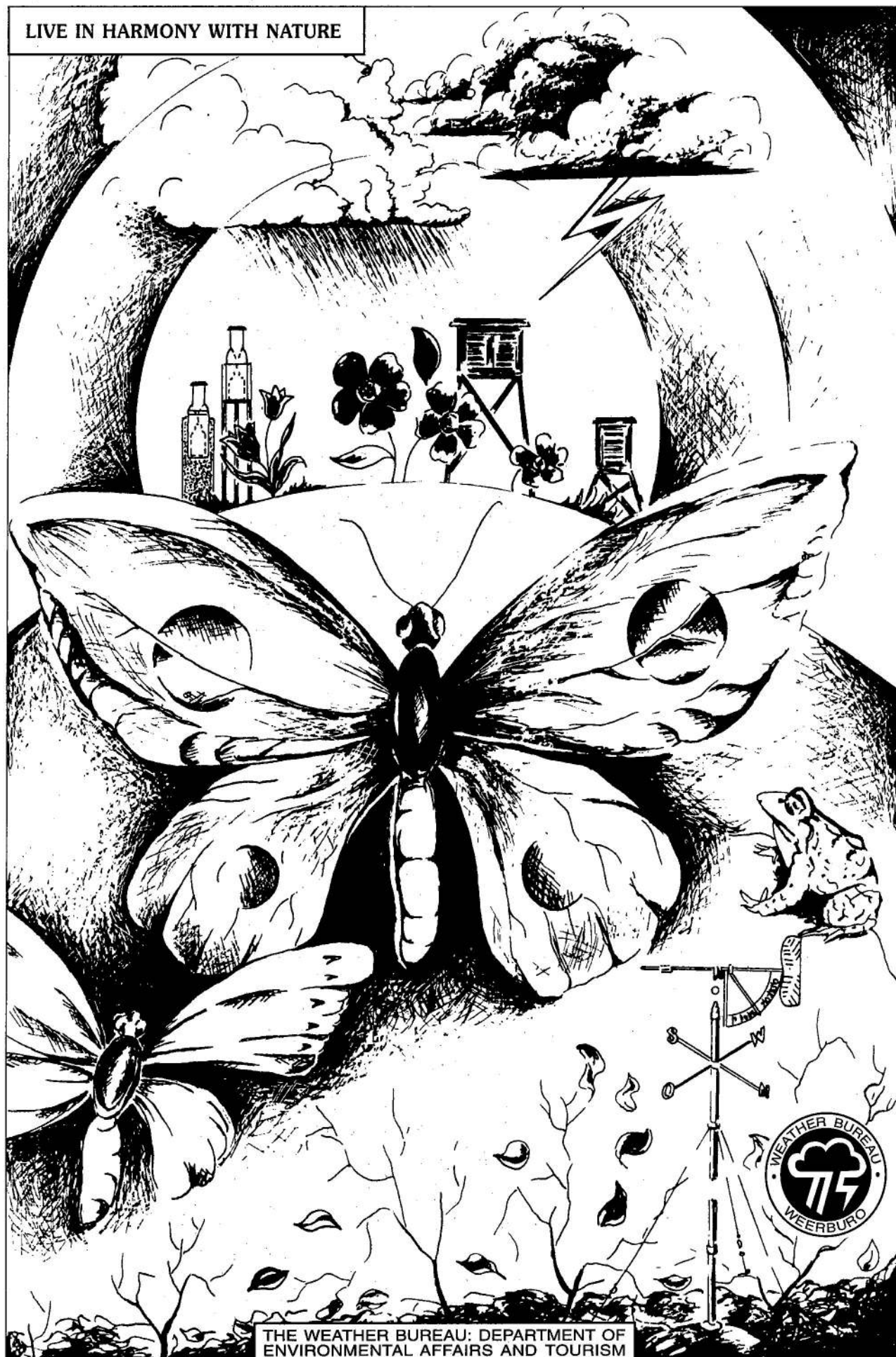
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