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PROCLAMATIONS

by the

President of the Republic of South Africa

No. R. 26, 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 provincial Government Departments of the Province of KwaZulu-Natal as mentioned in the Schedule (hereinafter referred to as "the Departments");

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 Premier of the Province of KwaZulu-Natal, 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 those 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 of the Departments;
- (b) improper or unlawful conduct by employees of any of the Departments;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) unlawful, irregular or unapproved acquisitive acts, transactions, measures or practices 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 of the Departments; 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 1995 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
Third day of March One thousand Nine hundred and Ninety-nine.

N R MANDELA

President

By Order of the President-in-Cabinet:

A M OMAR

Minister of the Cabinet

SCHEDULE

Department of Agriculture

The unlawful, unauthorised and/or irregular use and/or appropriation of plant equipment belonging to and/or vesting in the Department and/or the unlawful, unauthorised and/or irregular renting out of such plant equipment to private construction companies.

Department of Traditional and Environmental Affairs

1. The theft and/or loss of warrant vouchers at the Department and/or the subsequent fraudulent drawing of warrant vouchers by and/or on behalf of the Department and/or the subsequent negotiation of such warrant vouchers.
2. The failure by the Department to exercise proper control over warrant vouchers.

PROKLAMASIES*van die**President van die Republiek van Suid-Afrika***No. R. 26, 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 Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleentheid van die provinsiale Staatsdepartemente van die Provinsie van KwaZulu-Natal soos vermeld in die Bylae (hierna "die Departemente" 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 KwaZulu-Natal, die aangeleentheid in die Bylae vir ondersoek na die Spesiale Ondersoekeenhede 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 van die Departemente;
- (b) onbehoorlike of onregmatige optrede deur werknemers van enige van die Departemente.
- (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 van die Departemente; 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 1995 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 Derde dag van Maart Eenduisend Negehondered Nege-en-negentig.

N R MANDELA

President

Op las van die President-in-Kabinet:

A M OMAR

Minister van die Kabinet

BYLAE**Departement van Landbou**

Die onregmatige, ongemagtigde en/of onreëlmatige toe-eiening van aanlegtoerusting wat behoort aan en/of vestig in die Departement en/of die onregmatige, ongemagtigde en/of onreëlmatige uitverhuring van sodanige aanlegtoerusting aan privaat konstruksiemaatskappye.

Departement van Tradisionele- en Omgewingsake

1. Die diefstal en/of verlies van skatkisorders by die Departement en/of die gevolglike bedrieglike trekking van skatkisorders deur en/of namens die Departement en/of die gevolglike verhandeling van sodanige skatkisorders.
2. Die versuim deur die Departement om behoorlike beheer uit te oefen oor skatkisorders.

No. R. 27, 1999

**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996
(ACT No. 74 OF 1996): REFERRAL OF MATTER 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 Hoxani College of Education in the Northern Province (hereinafter referred to as "the College");

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 Premier of the Northern Province, refer the matter 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 that matter, 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 College;
- (b) improper or unlawful conduct by employees of the College;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) intentional or negligent loss of public money or damage to public property;
- (e) corruption in connection with the affairs of the College; or
- (f) 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 March 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
Third day of March One thousand Nine hundred and Ninety-nine.

N R MANDELA

President

By Order of the President-in-Cabinet:

A M OMAR

Minister of the Cabinet

SCHEDULE

The unlawful, unauthorised and/or irregular appropriation and/or investment and/or subsequent theft and/or loss of a grant made to the College to defray operating expenses.

No. R. 27, 1999

**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEID 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 Hoxani Onderwyskollege in die Noordelike Provinsie (hierna "die Kollege" 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 Noordelike Provinsie, die aangeleentheid in die Bylae vir ondersoek na die Spesiale Ondersoekeenhede 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 Kollege;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Kollege;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (e) korrupsie in verband met die sake van die Kollege; of
- (f) 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 Maart 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 Derde dag van Maart Eenduisend Negehondered Nege-en-negentig.

N R MANDELA

President

Op las van die President-in-Kabinet:

A M OMAR

Minister van die Kabinet

BYLAE

Die onregmatige, ongemagtigde en/of onreëlmatige toe-eiening en/of belegging en/of gevolglike diefstal en/of verlies van 'n toekenning gemaak aan die Kollege om bedryfsuitgawes te bestry.

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