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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 53, 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 State institutions of the Province of Gauteng as mentioned in the Schedule and, where applicable, their predecessors in law (hereinafter referred to as "the 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 Premier of the Province of Gauteng, 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 the Institutions;
- (b) improper or unlawful conduct by employees of the Institutions;
- (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 Institutions; 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 May 1994 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-ninth day of April 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

Department of Housing and Land Affairs

1. The unlawful, unauthorised and/or irregular payment by the Department of State subsidies in respect of the development of low cost housing.
2. The failure by the Department to ensure compliance with statutory and/or contractual requirements and/or Departmental directives in respect of the development of low cost housing and/or the failure by developers to comply with such requirements and/or directives.
3. The conclusion of contracts by the Department containing improper, inappropriate and/or insufficient provisions pertaining to the delivery of low cost housing.
4. The improper proclaiming of townships by the Department.
5. The irregular administration and/or operation of and/or access to the Subsidy Management System by employees of the Department and/or unauthorised persons.
6. The unlawful, unauthorised and/or irregular payments made by the Department to attorneys for purposes of conveyancing pertaining to the development of low cost housing.
7. The unlawful and/or irregular applications for subsidies by private persons.
8. The unlawful, unauthorised and/or irregular processing and/or granting of subsidies by the Department.

9. The failure by the Department to comply with the prescribed tender procedures.
10. The unauthorised and/or irregular favouring by employees of the Department of certain conveyancers and/or companies in respect of subsidy applications and the subsequent receipt of commission by such employees.
11. The unlawful, unauthorised and/or irregular charging and/or receipt of administration fees by employees of the Department for the processing of applications for subsidies.
12. The irregular appointment of employees in the Department.
13. The theft and/or loss of and/or failure to exercise proper control over cheques of the Department and/or the fraudulent drawing of such cheques.
14. The irregular approval by the Department of projects pertaining to the development of low cost housing.
15. The failure by the Department to ensure the recovery of interest earned on funds allocated in respect of the development of low cost housing.
16. The unlawful, unauthorised and/or irregular payments made by the Department and/or conveyancers appointed by the Department to developers involved with the development of low cost housing .
17. The irregular awarding of contracts by the Department and/or the Gauteng Provincial Housing Advisory Board to certain companies in which members of the Board have interests.

18. The abuse of the subsidy scheme by employees of the Department, developers and private individuals involved in the development of low cost housing.

Gauteng Gambling Board

1. The unauthorised and/or irregular furnishing of information and documents and/or rendering of assistance by members of the Gauteng Gambling Board ("the Board") to certain applicants for casino licences and the subsequent receipt of commission and/or other favours by such members.
2. The unlawful and/or irregular awarding of casino licences by the Board.
3. The failure by the Board to comply with the provisions of the Gambling Act (Gauteng), 1995 (Act No. 4 of 1995), directives of the Department of Finance and Economic Affairs and/or the assessment criteria laid down by the Board.
4. The failure by members of the Board to disclose personal interests in the awarding of casino licenses.
5. The injudicious exercising of the Board's discretion in the consideration and/or awarding of casino licences.
6. The favouring by the Board of certain applicants for casino licences.

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 53, 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 aangeleenthede van die Staatsinstellings van die Gauteng Provinsie soos vermeld in die Bylae en, waar toepaslik, hulle regsvoorgangers (hierna "die Instellings" 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 Gauteng, die aangeleenthede 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 Ondersoekeenhede is om, soos beoog in gemelde Wet, ondersoek te doen na enige -

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

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

wat plaasgevind het tussen Mei 1994 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 Nege-en-twintigste dag van April 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**Departement van Behuising en Grondsake**

1. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetaling deur die Departement van Staatsubsidies met betrekking tot die ontwikkeling van lae koste behuising.
2. Die versuim deur die Departement om voldoening te verseker aan statutêre en/of kontraktuele vereistes en/of Departementele voorskrifte met betrekking tot die ontwikkeling van lae koste behuising en/of die versuim deur ontwikkelaars om te voldoen aan sodanige vereistes en/of voorskrifte.
3. Die sluiting van kontrakte deur die Departement wat onbehoorlike, ondoelmatige en/of onvoldoende bepalings bevat ten opsigte van die voorsiening van lae koste behuising.
4. Die onbehoorlike proklamering van dorpsgebiede deur die Departement.
5. Die onreëlmatige administrasie en/of bestuur van en/of toegang tot die Subsidie Bestuur Stelsel deur werknemers van die Departement en/of ongemagtigde persone.
6. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement aan prokureurs vir doeleindes van oordragte ten opsigte van die ontwikkeling van lae koste behuising.
7. Die onregmatige en/of onreëlmatige aansoeke om subsidies deur privaat persone.

8. Die onregmatige, ongemagtigde en/of onreëlmatige prosessering en/of toestaan van subsidies deur die Departement.
9. Die versuim van die Departement om aan voorgeskrewe tender prosedures te voldoen.
10. Die ongemagtigde en/of onreëlmatige begunstiging deur werknemers van die Departement van sekere aktevervaardigers en/of maatskappye ten opsigte van subsidie aansoeke en die gevolglike ontvangs van kommissie deur sodanige werknemers.
11. Die onregmatige, ongemagtigde en/of onreëlmatige heffing en/of ontvangs van administrasiefooie deur werknemers van die Departement vir die prosessering van aansoeke om subsidies.
12. Die onreëlmatige aanstelling van werknemers in die Departement.
13. Die diefstal en/of verlies van en/of versuim om behoorlike kontrole oor tjeks van die Departement uit te oefen en/of die bedrieglike aanbieding vir betaling van sodanige tjeks.
14. Die onreëlmatige goedkeuring deur die Departement van projekte ten opsigte van die ontwikkeling van lae koste behuising.
15. Die versuim deur die Departement om die invordering van rente verdien op fondse toegeken vir die ontwikkeling van lae koste behuising, te verseker.
16. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement en/of aktevervaardigers aangestel deur die Departement aan ontwikkelaars gemoeid met die ontwikkeling van lae koste behuising.

17. Die onreëlmatige toekenning van kontrakte deur die Departement en/of die Gauteng Provinsiale Behuisingsadviesraad aan sekere maatskappye waarin lede van die Raad 'n belang het.

18. Die misbruik van die subsidie skema deur werknemers van die Departement, ontwikkelaars en private individue gemoeid met die ontwikkeling van lae koste behuising.

Gauteng Dobbelaarad

1. Die ongemagtigde en/of onreëlmatige verskaffing van inligting en dokumentasie en/of hulpverlening deur lede van die Gauteng Dobbelaarad ("die Raad") aan sekere applikante vir dobbellisensies en die gevolglike ontvangs van kommissie en/of ander gunste deur sodanige lede.

2. Die onregmatige en/of onreëlmatige toekenning van dobbellisensies deur die Raad.

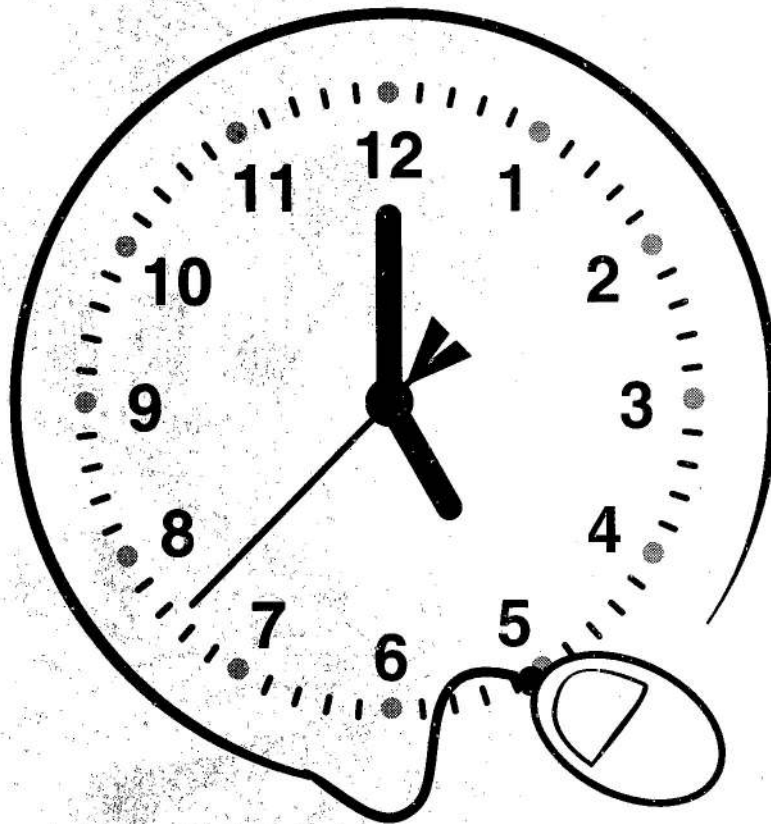
3. Die versuim deur die Raad om aan die bepalings van die Wet op Dobbelaarad (Gauteng), 1995 (Wet No. 4 van 1995), die voorskrifte van die Departement van Finansies en Ekonomiese Sake en/of die evalueringskriteria wat deur die Raad neergelê is, te voldoen.

4. Die versuim van lede van die Raad om persoonlike belange in die toekenning van dobbellisensies te openbaar.

5. Die onoordeelkundige uitoefening van die Raad se diskresie in die oorweging en/of toekenning van dobbellisensies.

6. Die bevoordeling deur die Raad van sekere applikante vir dobbellisensies.

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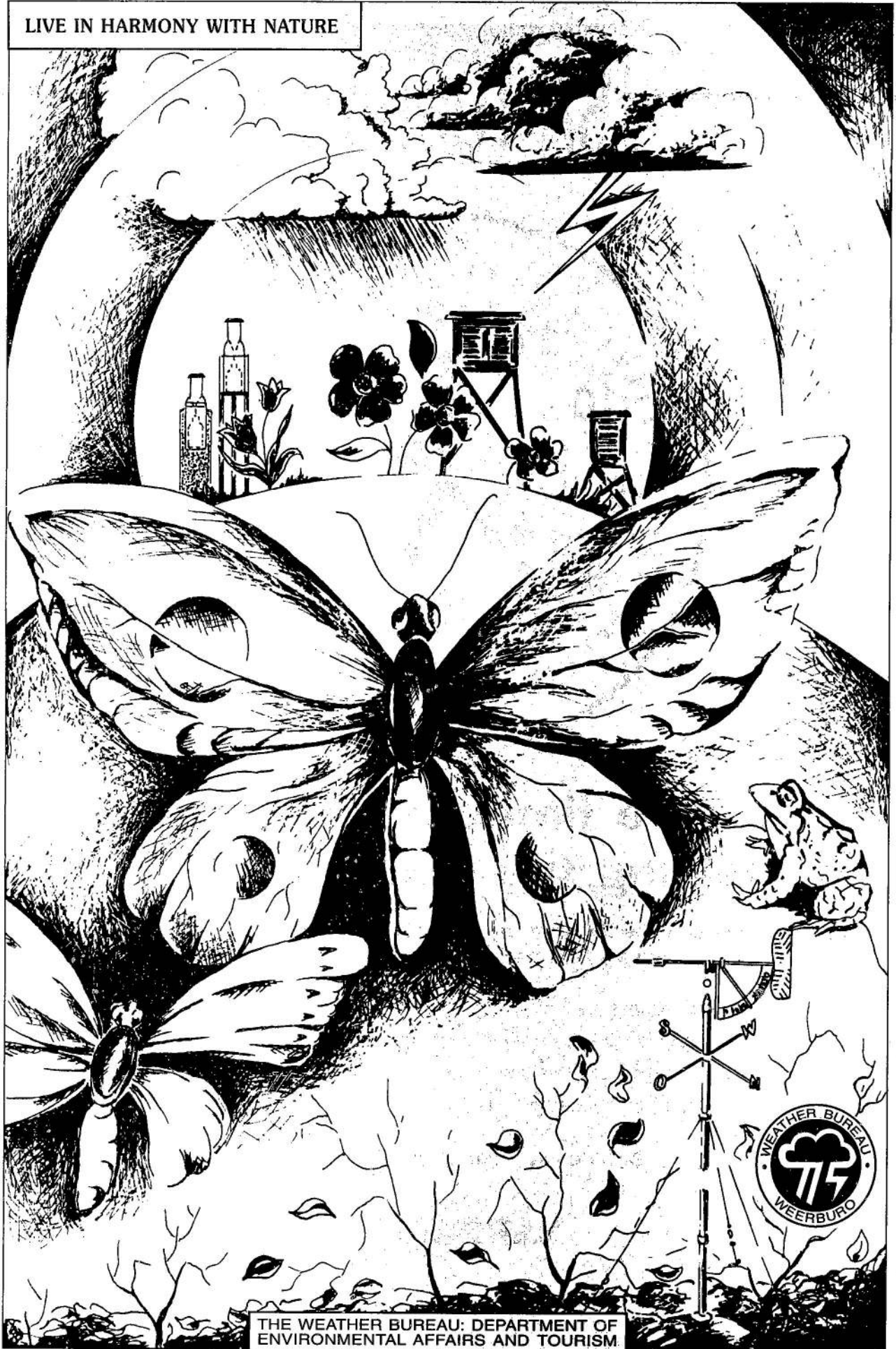
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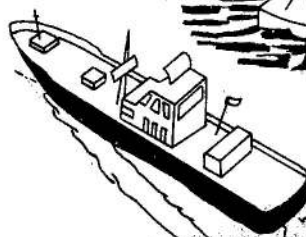
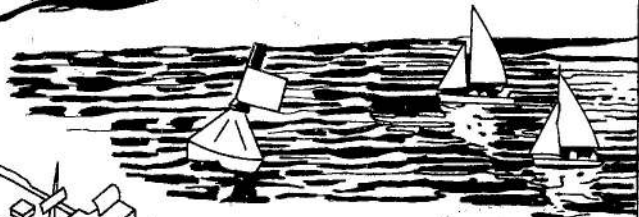
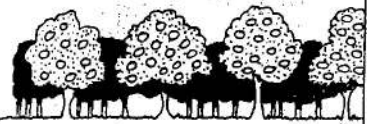
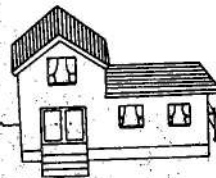
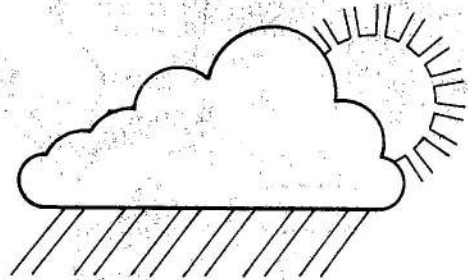
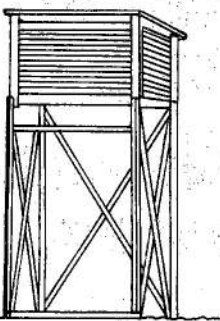
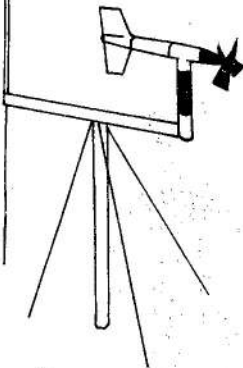
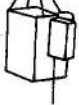
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DEPT. OF ENVIRONMENTAL AFFAIRS AND TOURISM · DEPT. VAN OMGEWINGSAKE EN TOERISME

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