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PROCLAMATION

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

No. R. 61, 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 various provincial Departments of the Northern Province mentioned in the Schedule and/or their predecessors in law (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 Northern Province, 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 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 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 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 1986 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 Twelfth day of May 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 payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Education

1. The unlawful, unauthorised and/or irregular payments by the Department to Senoko Enterprises for the supply of chemicals to schools in the Northern Province.
2. The unlawful, unauthorised and/or irregular payments by the Department to Senoko Enterprises for goods not delivered.

Department of Health and Welfare

1. The theft of medicines from hospitals and clinics in the Northern Province and the subsequent unlawful, unauthorised and/or irregular sale of the medicine to the public by employees of the hospitals.
2. The unlawful, unauthorised and/or irregular payment by the Department for products at inflated prices which were delivered to hospitals in the Northern Province by various businesses.
3. The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Local Government

The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Public Transport

1. The unlawful selling of learners' drivers licences by employees of the Department.
2. The unlawful, unauthorised and/or irregular issuing of motor vehicle registration and/or roadworthy certificates by employees of the Department.
3. The theft by employees of the Department of money paid in respect of traffic fines.
4. The theft and/or loss of money, spares and equipment belonging to and/or vesting in the Department by employees of the Department at registering authorities, state garages and workshops, respectively.
5. The unauthorised and/or irregular awarding of tenders and/or outsourcing of work for repairs to and services of Government vehicles and the subsequent payment of excessive fees for such repairs and services by the Department.
6. The theft and/or loss of Government vehicles at state garages and workshops and private garages.
7. The theft and/or misuse of petrol cards belonging to and/or vesting in the Department by employees of the Department.
8. The unlawful, unauthorised and/or irregular payments by the Department in respect of subsidies to bus companies and operators.
9. The failure by employees of the Department to submit supporting documentation in respect of expenses incurred during an overseas trip.
10. The unlawful, unauthorised and/or irregular payments by the Department in respect of expenses incurred during an overseas trip by employees of the Northern District Council.

11. The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Public Works

The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Trade and Industry

The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

PROKLAMASIE**van die****PRESIDENT van die REPUBLIEK van SUID-AFRIKA****No. R. 61, 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 verskeie provinsiale Departemente van die Noordelike Provinsie vermeld in die Bylae en/of dié se regsvoorgangers (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 Noordelike Provinsie, 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 Ondersoekkeenheid 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 January 1986 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 Twaalfde dag van Mei 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 uitbetalings deur die Departement aan voormalige werknemers en/of nie-bestaande werknemers en die gevolglike verlies van Staatsgeld.

Departement van Onderwys

1. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement aan Senoko Enterprises vir die verskaffing van chemikalieë aan skole in die Noordelike Provinsie.
2. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement aan Senoko Enterprises vir goedere wat nie gelewer was nie.

Departement van Gesondheid en Welsyn

1. Die diefstal van medisyne van hospitale en klinieke in die Noordelike Provinsie en die gevolglike onregmatige, ongemagtigde en/of onreëlmatige verkoop van die medisyne aan die publiek deur werknemers van die hospitale.
2. Die onregmatige, ongemagtigde en/of onreëlmatige betaling deur die Departement vir produkte teen opgedrewe pryse wat aan hospitale in die Noordelike Provinsie deur verskeie besighede gelewer is.
3. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement aan voormalige werknemers en/of nie-bestaande werknemers en die gevolglike verlies van Staatsgeld.

Departement van Plaaslike Bestuur

Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement aan voormalige werknemers en/of nie-bestaande werknemers en die gevolglike verlies van Staatsgeld.

Departement van Openbare Vervoer

1. Die onregmatige verkoop van leerlingbestuurderslisensies deur werknemers van die Departement.
2. Die onregmatige, ongemagtigde en/of onreëlmatige uitreiking van motorvoertuig registrasie- en/of padwaardigheidsertifikate deur werknemers van die Departement.
3. Die diefstal deur werknemers van die Departement van geld wat betaal is ten opsigte van verkeersboetes.

4. Die diefstal en/of verlies van gelde, onderdele en toerusting wat behoort aan en/of vestig in die Departement, deur werknemers van die Departement by onderskeidelik registrasieowerhede, staatsgarages en -werkswinkels.
5. Die ongemagtigde en/of onreëlmatige toekenning van tenders en/of uitbesteding van werk vir die herstel en versiening van Staatsvoertuie en die gevolglike betaling van buitensporige bedrae deur die Departement vir sodanige herstelwerk en versienings.
6. Die diefstal en/of verlies van Staatsvoertuie by staatsgarages en -werkswinkels en privaat motorhawens.
7. Die diefstal en/of misbruik van brandstofkaarte wat behoort aan en/of vestig in die Departement deur werknemers van die Departement.
8. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement ten opsigte van subsidies aan busmaatskappye en -operators.
9. Die versuim deur werknemers van die Departement om stawende dokumentasie ten opsigte van uitgawes opgehoop tydens 'n oorsese reis voor te lê.
10. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement ten opsigte van uitgawes opgehoop tydens 'n oorsese reis deur werknemers van die Noordelike Distriksraad.
11. Die onregmatige, ongemagtigde en/of onreëlmatige uitbetalings deur die Departement aan voormalige werknemers en/of nie-bestaande werknemers en die gevolglike verlies van Staatsgeld.

Departement van Openbare Werke

Die onregmatige, ongernagtigde en/of onreëlmatige uitbetalings deur die Departement aan voormalige werknemers en/of nie-bestaande werknemers en die gevolglike verlies van Staatsgeld.

Departement van Handel en Nywerheid

Die onregmatige, ongernagtigde en/of onreëlmatige uitbetalings deur die Departement aan voormalige werknemers en/of nie-bestaande werknemers en die gevolglike verlies van Staatsgeld.

PROCLAMATION**by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****No. R. 62, 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 enrolment of students at the Medical University of Southern Africa (hereinafter referred to as "Medunsa");

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 irregular practices followed to enrol students at Medunsa and/or the unlawful enrolment of students at Medunsa who do not qualify for such enrolment 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 this 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 Medunsa;
- (b) improper or unlawful conduct by employees of Medunsa;
- (c) corruption in connection with the affairs of Medunsa; or
- (d) 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 January 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 Twelfth day of May 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

PROKLAMASIE**van die****PRESIDENT van die REPUBLIEK van SUID-AFRIKA****No. R. 62, 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 Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die inskrywing van studente by die Mediese Universiteit van Suider-Afrika (hierna "Medunsa" 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, die onreëlmatige praktyke wat gevolg is om studente by Medunsa in te skryf en/of die onregmatige inskrywing van studente by Medunsa wat nie kwalifiseer vir sodanige inskrywing nie, vir ondersoek na die Spesiale Ondersoekkeenheid 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 hierdie 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 Medunsa;
- (b) onbehoorlike of onregmatige optrede deur werknemers van Medunsa;
- (c) korrupsie in verband met die sake van Medunsa; of
- (d) 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 Januarie 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 Twaalfde dag van Mei Eenduisend Negehonderd Nege-en-negentig.

N. R. MANDELA
President

Op las van die President-in-Kabinet:

A. M. OMAR
Minister van die Kabinet

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