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No. 20512

We all have the power to prevent AIDS

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DEPARTMENT OF HEALTH

PROCLAMATION*by the**President of the Republic of South Africa***No. R. 100, 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 Justice (hereinafter referred to as "the Department");

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 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 Department;
- (b) improper or unlawful conduct by employees of the Department;
- (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; 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 1997 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-nine.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

P. M. MADUNA

Minister of the Cabinet

SCHEDULE

1. The failure by employees of the Department to comply with directives pertaining to urgent and essential day-to-day repairs and renovations to magistrates' offices and/or other buildings which belong to and/or vest in the Department and/or the Department of Public Works.
2. The irregular authorisation by employees of the Department of repairs, renovations and/or improvements to magistrates' offices and/or other buildings which belong to and/or vest in the Department and/or the Department of Public Works.

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 100, 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 Ondersoekkeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Departement van Justisie (hierna "die Departement" 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 aangeleenthede in die Bylae 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 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 die Departement;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Departement;
- (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; 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 1997 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 Negehondered Nege-en-negentig.

T. M. MBEKI

President

Op las van die President-in-Kabinet:

P. M. MADUNA

Minister van die Kabinet

BYLAE

1. Die versuim deur werknemers van die Departement om voorskrifte betreffende dringende en noodsaaklike dag-tot-dag herstelwerk en opknappings aan landdroskantore en/of ander geboue wat behoort aan en/of vestig in die Departement en/of die Departement van Openbare Werke, na te kom.

2. Die onreëlmatige magtiging deur werknemers van die Departement van herstelwerk, opknappings en/of verbeterings aan landdroskantore en/of ander geboue wat behoort aan en/of vestig in die Departement en/of die Departement van Openbare Werke.

PROCLAMATION*by the**President of the Republic of South Africa***No. R. 101, 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 South African Rail Commuter Corporation Limited (hereinafter referred to as "the Corporation");

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 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 Corporation;
- (b) improper or unlawful conduct by employees of the Corporation;
- (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 Corporation; 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 January 1990 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-nine.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

P. M. MADUNA

Minister of the Cabinet

SCHEDULE

1. The failure by employees of the Corporation to comply with the prescribed tender procedure in respect of the upgrading and/or development of facilities and security at railway stations.

2. The irregular and/or injudicious -

(a) conclusion of contracts by the Corporation with various individuals and businesses; and

(b) appointment of consultants by the Corporation,

for purposes of the upgrading and/or development of facilities and security at railway stations based on misrepresentations made and/or fraud committed by employees of the Corporation, and/or individuals and/or businesses who/which were involved with such upgrading and/or development.

3. The irregular awarding of contracts for the upgrading and/or development of facilities and security at railway stations by the Corporation to -

(a) various individuals and/or businesses with whom/which the Corporation had already concluded contracts; and/or

(b) businesses of which some of the members have interests in other businesses with which the Corporation had already concluded contracts,

contrary to the interests of the Corporation and/or with the aim to favour such individuals and/or businesses to the detriment of other interested parties.

4. The unlawful, unauthorised and/or irregular receipt of pecuniary consideration by employees of the Corporation from individuals and/or businesses to whom/which contracts for the upgrading and/or development of facilities and security at railway stations were awarded.

5. The unlawful, unauthorised and/or irregular conduct of employees of the Corporation to ensure that the Corporation awards or extends contracts for the upgrading and/or development of facilities and security at railway stations to specific individuals and/or businesses.

6. The losses suffered by the Corporation due to -

- (a) the unlawful, unauthorised and/or irregular conduct of employees of the Corporation in the awarding or extension of contracts for the upgrading and/or development of facilities and security at railway stations; and/or
- (b) any misrepresentation made and/or fraud committed by employees of the Corporation, and/or individuals and/or businesses who/which were involved with the upgrading and/or development of facilities and security at railway stations.

7. The losses suffered by the Corporation as a result of the awarding of contracts to individuals and/or businesses for the upgrading and/or development of facilities and security at railway stations based on misrepresentations made and/or fraud committed by employees of the Corporation and/or such individuals and/or businesses due to -

- (a) services having been rendered by such individuals and/or businesses -
 - (i) at inflated prices; and/or
 - (ii) which were poor in quality; and/or
- (b) purchases of security prototype products, equipment and/or devices, or material and/or goods necessary for the upgrading and/or development of facilities and security at railway stations by such individuals and/or businesses -
 - (i) at inflated prices;
 - (ii) which appeared to be not viable or suitable for the projects it was intended for; and/or
 - (iii) which were of an inferior quality.

PROKLAMASIE*van die****President van die Republiek van Suid-Afrika*****No. R. 101, 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 Suid-Afrikaanse Spoorpendel Korporasie Beperk (hierna "die Korporasie" 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 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 Ondersoekkeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Korporasie;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Korporasie;
- (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 Korporasie; 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 Januarie 1990 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 dieVyftiende dag van September Eenduisend Negehonderd Nege-en-negentig.

T. M. MBEKI
President

Op las van die President-in-Kabinet:

P. M. MADUNA
Minister van die Kabinet

BYLAE

1. Die versuim deur werknemers van die Korporasie om te voldoen aan die voorgeskrewe tender prosedure ten opsigte van die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies.
2. Die onreëlmatige en/of onoordeelkundige -
 - (a) sluit van kontrakte deur die Korporasie met verskeie individue en besighede; en
 - (b) aanstelling van konsultante deur die Korporasie,vir doeleindes van die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies gebaseer op wanvoorstellings gemaak en/of bedrog gepleeg deur werknemers van die Korporasie, en/of individue en/of besighede wat betrokke was by sodanige opgradering en/of ontwikkeling.
3. Die onreëlmatige toekenning van kontrakte deur die Korporasie vir die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies aan -
 - (a) verskeie individue en/of besighede met wie/waarmee die Korporasie reeds kontrakte gesluit het; en/of
 - (b) besighede waarvan sommige lede belange in ander besighede het, waarmee die Korporasie reeds kontrakte gesluit het,strydig met die belange van die Korporasie en/of met die oogmerk om sodanige individue en/of besighede te bevoordeel tot nadeel van ander belanghebbende partye.
4. Die onregmatige, ongemagtigde en/of onreëlmatige ontvangs deur werknemers van die Korporasie van geldelike teenprestasie van individue en/of besighede aan wie/waaraan kontrakte vir die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies toegeken is.

5. Die onregmatige, ongemagtigde en/of onreëlmatige optrede van werknemers van die Korporasie om te verseker dat die Korporasie kontrakte vir die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies aan spesifieke individue en/of besighede toeken of verleng.

6. Die verliese deur die Korporasie gely weens -

- (a) die onregmatige, ongemagtigde en/of onreëlmatige optrede van werknemers van die Korporasie in die toekenning of verlenging van kontrakte vir die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies; en/of
- (b) enige wanvoorstelling gemaak en/of bedrog gepleeg deur werknemers van die Korporasie, en/of individue en/of besighede wat betrokke was by die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies.

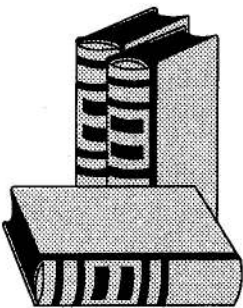
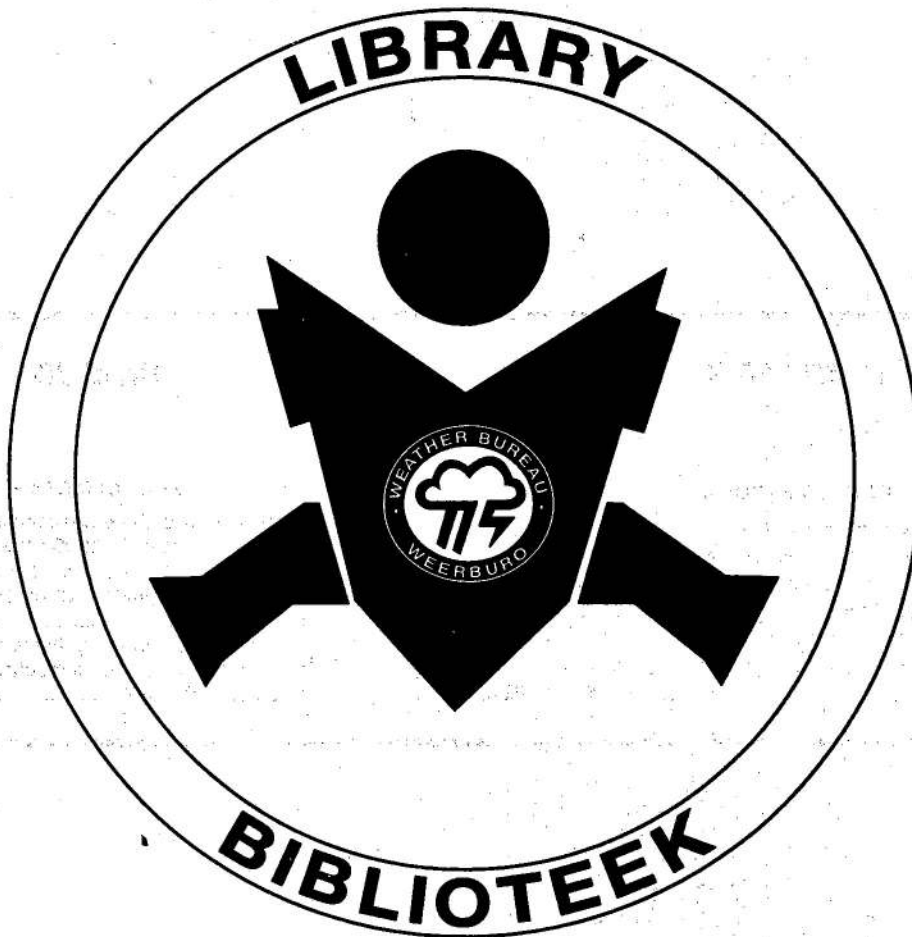
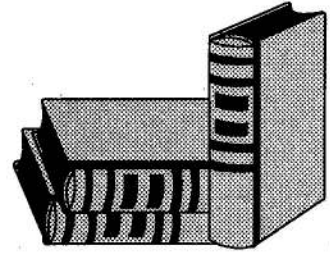
7. Die verliese deur die Korporasie gely as gevolg van die toekenning van kontrakte aan individue en/of besighede vir die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies gebaseer op wanvoorstellings gemaak en/of bedrog gepleeg deur werknemers van die Korporasie, en/of sodanige individue en/of besighede, weens -

- (a) dienste wat gelewer is deur sodanige individue en/of besighede -
 - (i) teen opgedrewe pryse; en/of
 - (ii) wat van 'n swak gehalte was; en/of
- (b) aankope van sekuriteit prototipe produkte, toerusting en/of toestelle, of materiaal en/of items benodig vir die opgradering en/of ontwikkeling van fasiliteite en sekuriteit by treinstasies deur sodanige individue en/of besighede -
 - (i) teen opgedrewe pryse;
 - (ii) wat geblyk het nie lewensvatbaar of geskik te wees vir die projekte waarvoor dit bedoel was nie; en/of
 - (iii) wat van 'n lae gehalte was.

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Department of Environmental Affairs and Tourism
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