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**PROCLAMATION***by the**President of the Republic of South Africa***No. R. 66, 2002****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 Correctional Services (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 established by Proclamation No. R. 118 of 31 July 2001 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;
- (b) improper or unlawful conduct by officials 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 January 1996 and the date of publication of this Proclamation and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the said Act in relation to the said matters.

Given under my Hand at Phalaborwa this Fifth day of August Two thousand and two.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**P. M. MADUNA**

**Minister of the Cabinet**

**SCHEDULE**

1. The procurement of goods and services for the Department and procedures related thereto.
2. Claims by, or on behalf of employees of the Department from certain medical aid schemes, any conduct and procedures related thereto and any benefits arising therefrom.
3. The recruitment, appointment, promotion and dismissal of employees of the Department and procedures related thereto.
4. The use and/or misuse of property and resources of the Department.
5. Practices in terms of which employees of the Department received any benefits from other employees or members of the public in connection with the execution of their duties or the failure to execute their duties, as the case may be, or in connection with the granting or altering of any condition of incarceration, parole, probation, correctional supervision or community service conditions relative to any person in the care, custody or under control of the Department.
6. The conduct of any employee of the Department or member of the public, with a view to influencing, hampering or impeding any investigation or the destruction of evidence relating to any investigation involving the Department or any of its employees.
7. Intimidation of employees of the Department or members of the public by employees of the Department with a view to the concealment of corrupt or other unlawful practices within the Department.
8. Theft of assets from the Department.
9. The receiving of any benefit or advantage by an employee or employees of the Department from another employee or employees of the Department, or members of the public through the application of pressure inducing their submission to the taking of such benefit or the advantage.

**PROKLAMASIE***van die**President van die Republiek van Suid-Afrika***No. R. 66, 2002****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 Speciale Ondersoekenehede en Speciale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Departement van Korrektiewe Dienste (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 Speciale Ondersoekeneheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Speciale Ondersoekeneheid 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 beamptes 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 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 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 Januarie 1996 en die datum van publikasie van hierdie Proklamasie en om die bevoegdhede en werksaamhede wat deur die Wet aan die Spesiale Ondersoekkeenheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede.

Gegee onder my Hand te Phalaborwa op hede die Vyfde dag van Augustus Tweeëduisend-en-twee.

**T. M. MBEKI**

**President**

Op las van die President-in-Kabinet:

**P. M. MADUNA**

**Minister van die Kabinet**

**BYLAE**

1. Die verkryging van goedere en dienste vir die Departement en prosedures wat daarmee verband hou.
2. Eise deur, of namens werknemers van die Departement van sekere mediese skemas, enige optrede en prosedures wat daarmee verband hou en enige voordele wat daaruit voortspruit.
3. Die werwing, aanstelling, bevordering en ontslag van werknemers van die Departement en prosedures wat daarmee verband hou.
4. Die gebruik en/of misbruik van eiendom en middele van die Departement.
5. Praktyke ingevolge waarvan werknemers van die Departement enige voordele van ander werknemers of lede van die publiek ontvang het in verband met die uitoefening van hulle pligte of die versuim om hulle pligte na te kom, na gelang van die geval, of in verband met die verlening of wysiging van enige voorwaarde van aanhouding, parool-, voorwaardelike vrylating-, korrektiewe toesig- of gemeenskapsdiensvoorwaardes in verband met enige persoon in die sorg, aanhouding of onder beheer van die Departement.
6. Die optrede van enige werknemer van die Departement of lid van die publiek, wat gerig is op die beïnvloeding, verdeling of belemmering van enige ondersoek of die vernietiging van getuienis wat verband hou met enige ondersoek wat op die Departement of enige van sy werknemers betrekking het.
7. Intimidasie van werknemers van die Departement of lede van die publiek deur werknemers van die Departement met die oogmerk om korrupte en ander onwettige praktyke in die Departement te verdoesel.
8. Diefstal van bates van die Departement.

9. Die ontvangs van enige voordeel of bevoordeling deur 'n werknemer of werknemers van die Departement van enige ander werknemer of werknemers van die Departement of lede van die publiek deur die uitoefening van druk wat hulle oorhaal tot onderworping om sodanige voordeel of bevoordeling te ontvang.
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