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PROCLAMATION

by the

President of the Republic of South Africa

No. 85, 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 Public Works of the Province of the Western Cape and/or its predecessor in law (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, and after consultation with the Premier of the Province of the Western Cape, 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 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-second day of July One thousand Nine hundred and Ninety-nine.

J. G. ZUMA

Acting President

By Order of the President-in-Cabinet:

P. M. MADUNA

Minister of the Cabinet

SCHEDULE

1. The failure by the Department to follow prescribed tender procedures.
2. The unlawful, unauthorised and/or irregular awarding of contracts by the Department to contractors for repairs to and maintenance of provincial Government buildings.
3. The unlawful, unauthorised and/or irregular payments by the Department to contractors for repairs to and maintenance of provincial Government buildings.
4. The unlawful, unauthorised and/or irregular receipt of pecuniary consideration by employees of the Department from certain contractors.

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. 85, 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 Departement van Openbare Werke van die Provinsie van die Wes-Kaap en/of dié se regsvoorganger (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, en na oorleg met die Premier van die Provinsie van die Wes-Kaap, 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 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 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 Twee-en-twintigste dag van Julie Eenduisend Negehonderd Nege-en-negentig.

J. G. ZUMA

Waarnemende President

Op las van die President-in-Kabinet:

P. M. MADUNA

Minister van die Kabinet

BYLAE

1. Die versuim deur die Departement om die voorgeskrewe tenderprosedure te volg.
2. Die onregmatige, ongemagtigde en/of onreëlmatige toekenning van kontrakte deur die Departement aan kontrakteurs vir die herstel en onderhoud van provinsiale Regeringsgeboue.
3. Die onregmatige, ongemagtigde en/of onreëlmatige betalings deur die Departement aan kontrakteurs vir die herstel en onderhoud van provinsiale Regeringsgeboue.
4. Die onregmatige, ongemagtigde en/of onreëlmatige ontvangs van geldelike teenprestasie deur werknemers van die Departement vanaf sekere kontrakteurs.

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