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## **PROCLAMATION**

*by the*

*President of the Republic of South Africa*

**No. 2, 2009**

### **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) (the Act), have been made in respect of the affairs of the Department of Education: Mpumalanga Province (hereinafter referred to as "the Department");

AND WHEREAS the Department suffered losses that may be recovered;

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 at the request of the Premier of the Mpumalanga Province, refer the matters mentioned 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 the 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 officers and/or 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) offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, and which offences were committed 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 have taken place between 1 April 2001 and 31 December 2007, 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 in the Schedule, for the purpose of the recovery of any losses suffered by the Department.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twentieth day of December Two thousand and eight.

**K. P. MOTLANTHE**

**President**

By Order of the President-in-Cabinet:

**M. E. SURTY**

**Minister of the Cabinet**

## SCHEDULE

1. The failure by the Department to comply with procurement and tender procedures in the procurement of services for the provision of transport for scholars.
2. Losses suffered by the Department as a result of the –
  - (a) extension of existing contracts for; and
  - (b) irregular procurement of,services for the provision of transport for scholars.
3. Irregular payments made by the Department to service providers in connection with the provision of services for the transport of scholars.
4. Any act or omission by an official of the Department which resulted in, or contributed to, the losses suffered by the Department in connection with the provision of services for the transport of scholars.
5. Corruption committed by officials of the Department in so far as it relates to the procurement of services for the provision of transport for scholars.