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PROCLAMATION

by the

President of the Republic of South Africa

No. R. 11, 2004

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 Provincial Department of Housing and Local Government (hereinafter referred to as "the Department") and the Northern Cape Housing Board (hereinafter referred to as "the Board") of the Northern Cape Province:

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 Northern Cape Province, 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 and the Board;

(b) improper or unlawful conduct by officials of the Department and the Board;

(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;

(f) corruption in connection with the affairs of the Department and the Board; 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 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 matters.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of January Two thousand and four.

T. M. MBEKI
President

By Order of the President-in-Cabinet:

P. M. MADUNA
Minister of the Cabinet

SCHEDULE

1. The implementation of projects for the building of subsidized houses by the Department and Board in respect of the following Housing Projects -
   (a) Postmasburg;
   (b) Warrenton:
   (c) Barcelona:
   (d) Colesburg: and
   (e) Benede Oranje District.

2. Payments made by the Department and Board to contractors and developers in respect of the Housing Projects referred to in paragraph 1(a) to (e), above.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 11, 2004

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 Provinsiale Departement van Behuising en Plaaslike Regering (hierna die "Departement" genoem) en die Noord-Kaapse Behuisings Raad (hierna die "Raad" genoem) van die Noord-Kaapse Provinsie;

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 op versoek van die Premier van die Noord-Kaapse Provinsie, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenheid 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 Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige -

(a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement en die Raad;

(b) onbehoorlike of onregmatige optrede deur werknemers van die Departement en die Raad:

(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 en die Raad; 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 en om die bevoegdhede en werksaamhede wat deur die Wet aan die Spesiale Ondersoekeenheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Twee-en-twintigste dag van Januarie Tweeduisend-en-vier.

T. M. MBEKI
President

Op las van die President-in-Kabinet:

P. M. MADUNA
Minister van die Kabinet

BYLAE

1. Die implementering van projekte vir die bou van gesubsidieerde huise deur die Departement en die Raad vir die volgende Behuisingsprojekte:

   (a) Postmasburg;

   (b) Warrenton;

   (c) Barcelona;

   (d) Colesberg; en

   (e) Benede Oranje Distrik.

2. Betalings wat deur die Departement en Raad gemaak is aan kontrakteurs en ontwikkelaars ten opsigte van die Behuisingsprojekte waarna verwys word in paragraaf 1(a) tot (e) hierbo.

No. R. 12, 2004

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 ACT NO. 74 OF 1996: AMENDMENT OF PROCLAMATION

Under section 2(4) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996), and at the request of the Premier of the Gauteng Province, I hereby amend Proclamation No. R. 53 of 30 April 1999 insofar as it relates to the allegations set out in the Schedule thereof in respect of the Department of Housing and Land Affairs, by the extension of the period referred to in paragraph 3 thereof to 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 January Two thousand and four.

T. M. MBEKI
President

By Order of the President-in-Cabinet

P. M. MADUNA
Minister of the Cabinet

No. R. 12, 2004

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): WYSIGING VAN PROKLAMASIE

Kragtens artikel 2(4) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), en op die versoek van die Premier van die Gauteng Provinsie, wysig ek hiermee Proklamasie No. R. 53 van 30 April 1999 vir soverre dit betrekking het op die bewerings wat in die Bylae daarvan vervat is ten opsigte van die Departement van Behuising en Grondsake, deur die verlenging van die tydperk verwys na in paragraaf 3 daarvan tot 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 Januarie Tweeduisend-en-vier.

T. M. MBEKI
President

Op las van die President-in-Kabinet:

P. M. MADUNA
Minister van die Kabinet

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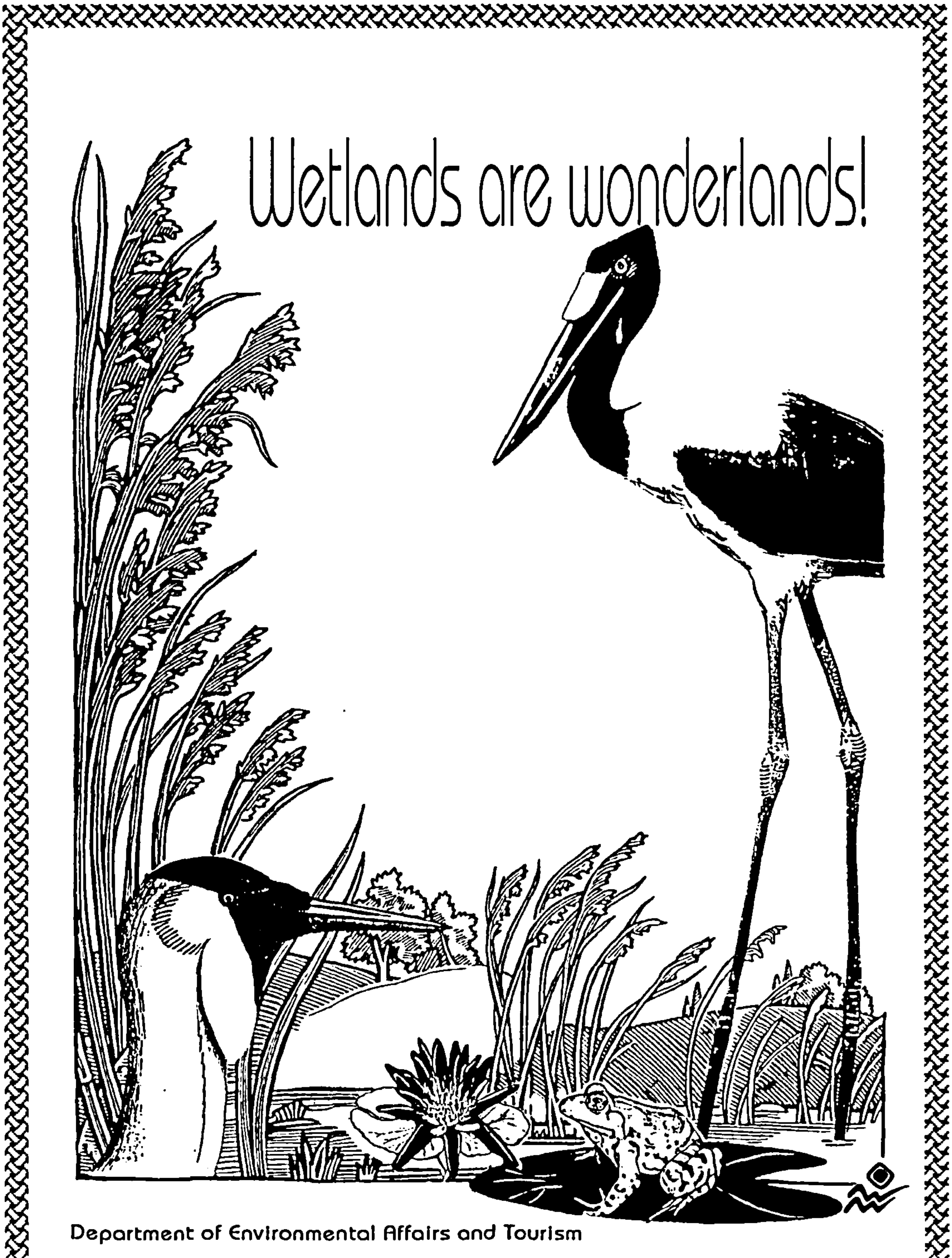
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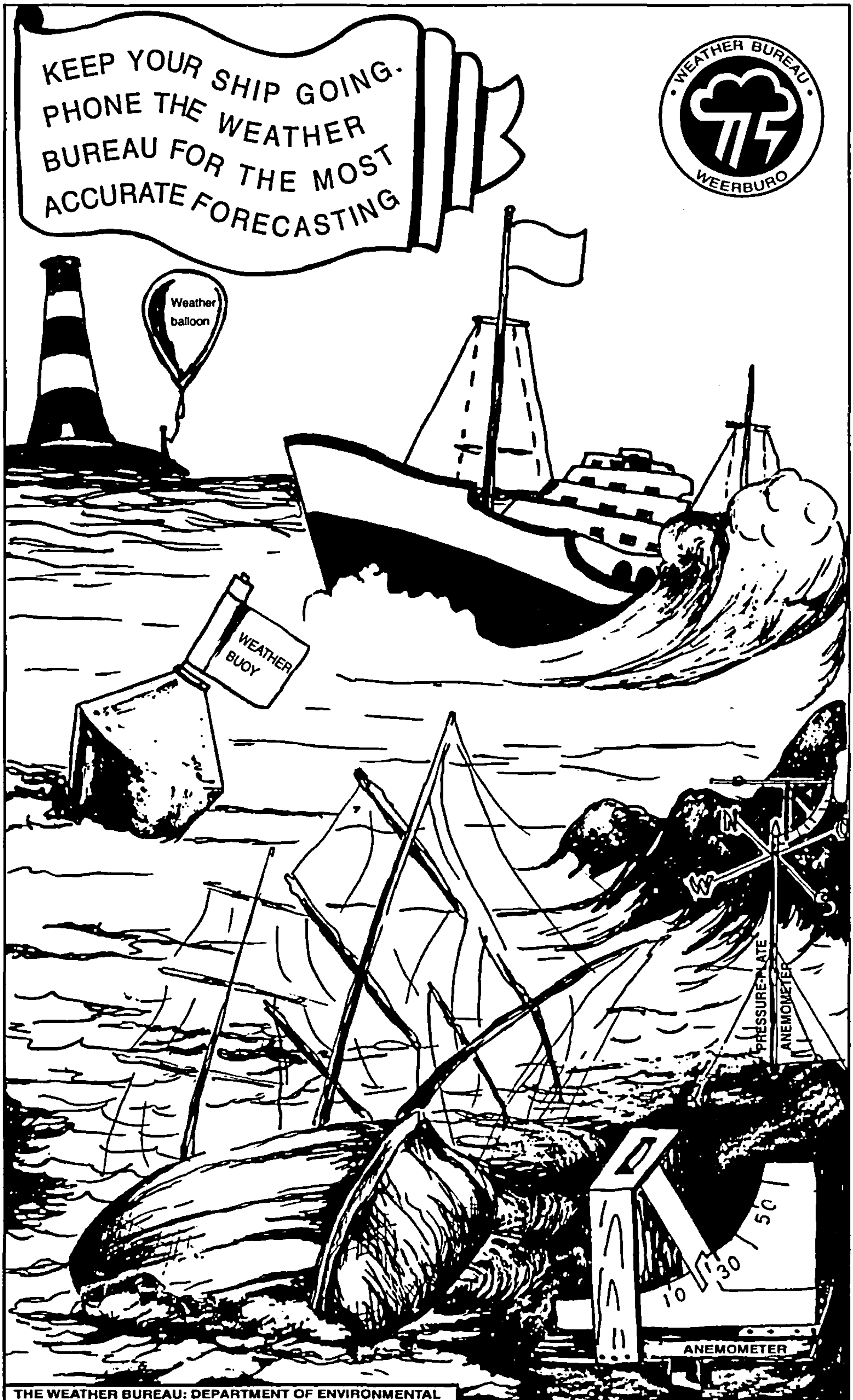

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