

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 18, 2005

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 National and all Provincial Departments of Social Development (hereinafter referred to as the "Departments");

AND WHEREAS the Departments have 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, refer the matter 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 matter, 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 Departments;
- (b) improper or unlawful conduct by employees of the Departments;
- (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) 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 offence were committed in connection with the affairs of the Departments; 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 April 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 in the Schedule, for the purpose of the recovery of any losses suffered by the Departments.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifth day of April Two thousand and five.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

B. S. MABANDLA

Minister of the Cabinet

SCHEDULE

1. The payment and/or receipt of social assistance or benefits in respect of deceased and/or fictitious persons and/or persons who do not, or did not qualify for such assistance and/or benefits or any portion thereof and any conduct directed at promoting or facilitating payment or receipt of such assistance or benefits.

2. Conduct of government officials and/or agents responsible for the administration and/or payment of social assistance or benefits, which has resulted in losses of, lack of control over, or delays in, the payment of monies allocated for the payment of social assistance or benefits and any conduct directed at promoting or facilitating the aforementioned.