

## **PROCLAMATION**

*by the*

*President of the Republic of South Africa*

**No. R. 33, 2006**

### **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 Ditswakotleng Fresh Farm Production Project, being a project of the Community Projects Fund Support Programme administered by the Department of Agriculture: Free State 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 Free State 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 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) 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 13 July 1998 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 Department.

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

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**B. S. MABANDLA**

**Minister of the Cabinet**

## SCHEDULE

1. The approval and funding of the Ditswakotleng Fresh Farm Production Project by the Department as a community project qualifying for funding by the Community Projects Fund Support Programme of the Department.
2. The breach by the Ditswakotleng Fresh Farm Production Project of its obligations which arose from its participation in the Community Projects Fund Support Programme of the Department and the failure by the Department to enforce compliance with the said obligations.
3. The appointment of and payment made to an intermediary organisation by the Department to assist with the execution of the Ditswakotleng Fresh Farm Production Project, as part of the Community Projects Fund Support Programme of the Department.
4. The manner in which and the transactions in terms of which the Department procured goods and services for the Ditswakotleng Fresh Farm Production Project.
5. The occurrence of shortages of materials and equipment procured for the Ditswakotleng Fresh Farm Production Project.