Government Gazette
Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette No. 9540 *Regulasiekoerant*

Vol. 551 Pretoria, 20 May Mei 2011 **No. 34306**

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

34306
9771682584003

AIDS HELPLINE: 0800-0123-22 Prevention is the cure

IMPORTANT NOTICE

The Government Printing Works will not be held responsible for faxed documents not received due to errors on the fax machine or faxes received which are unclear or incomplete. Please be advised that an "OK" slip, received from a fax machine, will not be accepted as proof that documents were received by the GPW for printing. If documents are faxed to the GPW it will be the sender's responsibility to phone and confirm that the documents were received in good order.

Furthermore the Government Printing Works will also not be held responsible for cancellations and amendments which have not been done on original documents received from clients.

CONTENTS

No.		Page No.	Gazette No.
	PROCLAMATION		
R. 34	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit and Special Tribunal	3	34306

INHOUD

No.		Bladsy No.	Koerant No.
	PROKLAMASIE		
R. 34	Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale (74/1996): Verwysiging van aangeleenthede na bestaande Spesiale Ondersoekeenheid en Spesiale Tribunaal	5	34306

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 34, 2011

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) ("hereinafter referred to as the Act"), have been made in respect of the affairs of the former Department of Roads and Transport of the Eastern Cape Province (hereinafter referred to as the "Department");

AND WHEREAS the Department or the State may 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 Act, and at the request of the Premier of the Eastern Cape Province, refer the matters mentioned in the Schedule, in respect of the Department, 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 Act, any -

(a) serious maladministration in connection with the affairs of the Department;
(b) improper or unlawful conduct by officials 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 10 May 2001 and 28 March 2010, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the Act, including the recovery of any losses suffered by the Department or the State, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twelfth day of May Two thousand and eleven.

J G ZUMA
President

By Order of the President-in-Cabinet:

J T RADEBE
Minister of the Cabinet

SCHEDULE

The procurement of goods, works or services by or on behalf of the Department and payments made in relation thereto, in a manner that was -

(a) not fair, equitable, transparent, competitive or cost-effective;

(b) contrary to applicable -

   (i) legislation;

   (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury or the relevant provincial treasury; or

   (iii) manuals, codes, policies, procedures, instructions or practices of or applicable to the Department;

(c) conducted or facilitated by or through the intervention of officials, personnel or employees of the Department (hereinafter collectively referred to as "the Department's personnel") with undeclared or unauthorised conflicts of interest;

(d) fraudulent; or

(e) conducted or facilitated by the manipulation of the Department's supply chain management or procurement processes -

   (i) by contractors, suppliers or service providers of the Department; or

   (ii) by, in collusion with or through the intervention of the Department's personnel,

to corruptly or unduly benefit themselves or others.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 34, 2011

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) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die voormalige Departement van Paaie en Vervoer van die Oos-Kaap Provinsie (hierna na verwys as die "Departement");

EN AANGESIEN die Departement of die Staat moontlik verliese gely het wat verhaal kan word;

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 die Wet, en op versoek van die Premier van die Oos-Kaap Provinsie, die aangeleenthede in die Bylae vermeld, ten opsigte van die Departement, 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;
(b) onbehoorlike of onregmatige optrede deur beamptes en/of 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 op Staatseiendom betrekking het;
(e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
(f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, 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 daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 10 Mei 2001 en 28 Maart 2010, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig, insluitend die verhaal van enige verliese wat deur die Departement of die Staat gely is, ten opsigte van die aangeleenthede in die Bylae vermeld.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Twaalfde dag van Mei Twee duisend-en-elf.

J G ZUMA
President

Op las van die President-in-Kabinet:

J T RADEBE
Minister van die Kabinet

BYLAE

Die aanskaffing van goedere, werke of dienste deur of namens die Departement en betalings wat in verband daarmee gemaak is op 'n wyse wat -

(a) nie regverdig, billik, deursigtig, mededingend, of koste-effektief was nie;

(b) strydig was met toepaslike -

  (i) wetgewing;

  (ii) handleidings, riglyne, praktyknotas of instruksies deur die Nasionale Tesourie of die toepaslike provinsiale tesourie uitgevaardig; of

  (iii) handleidings, kodes, beleid, prosedures, instruksies of praktyke van of wat op die Departement van toepassing is;

(c) gedoen of gefasiliteer was deur die tussenkoms van beamptes, personeel of werknemers van die Departement (hierna gesamentlik na verwys as die "Departement se personeel") met ongeopenbaarde of ongemagtigde konflikte van belange;

(d) bedrieglik was; of

(e) gedoen of gefasiliteer was deur die manipulering van die Departement se voorsieningskanaal-bestuur of aanskaffingsprosesse -

  (i) deur kontrakteurs, verskaffers of diensverskaffers van die Departement; of

  (ii) deur, in samespanning met of deur die tussenkoms van die Departement se personeel,

om hulself of andere op 'n korrupte wyse of onbehoorlik te bevoordeel.

Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
Kaapstad-tak: Tel: (021) 465-7531

34306—1