

PROCLAMATIONS*by the**President of the Republic of South Africa***No. R. 58, 2003**

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 offices of the Department of Justice and Constitutional Development mentioned in Column A of the Schedule (hereinafter referred to as "the Department");

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 matters mentioned in Column B of the Schedule in respect of the offices listed in Column A 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) corruption 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 has taken place between 1 January 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.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this sixteenth day of July Two thousand and three.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

P. M. MADUNA

Minister of the Cabinet

SCHEDULE

| Column A | Column B |
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| Part 1 | |
| <u>Magistrates' Offices</u> | |
| 1. Libode | 1. The performance of bank reconciliations or cash reconciliations. |
| 2. Maluti | 2. The reporting on cash shortages and the steps taken to recover it. |
| 3. Ngqeleni | 3. The recovery of the amounts of dishonored cheques paid to the Department. |
| 4. Port Elizabeth | 4. The receipt, recording, monitoring and payment of fines and deferred fines. |
| 5. Umtata | 5. The receipt and payment by officials of the Department of maintenance monies. |
| 6. Phuthaditjhaba | 6. The receipt and payment by officials of the Department of bail monies. |
| 7. Makwane | 7. The receipt and payment by officials of the Department of estate monies. |
| 8. Tseseng | 8. The payment by officials of the Department of money due to the South African Revenue Service, Local Councils and the Master of the High Court. |
| 9. Wepener | 9. The payment of subsistence and travel advances and claims to officials of the Department and the recovery of subsistence and travel advances by officials of the Department. |
| 10. Thaba Nchu | 10. The use and control of State vehicles and fuel expenses incurred in connection therewith. |
| 11. Benoni | 11. The capturing of data on the Department's computerized Financial Management System by officials of the Department. |
| 12. Randburg | 12. The issuing of housing guarantees and motor vehicle finance guarantees. |
| 13. Johannesburg | 13. The loss and/or theft and/or misappropriation of monies administered by officials of the |
| 14. Soshanguve | |
| 15. Vereeniging | |
| 16. Chatsworth | |
| 17. Nkandla | |
| 18. Impendle | |
| 19. Madadeni | |
| 20. Ntuzuma | |
| 21. Seshego | |
| 22. Tzaneen | |
| 23. Naphuno | |
| 24. Giyani | |
| 25. Thoyohando | |
| 26. Kwamhlanga | |
| 27. Mbibane | |
| 28. Mkobola | |
| 29. Nkomazi | |

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| 30. Nsikazi 31. Odi 32. Lehurutse 33. Taung 34. Ganyesa 35. Brits 36. Mitchells Plain 37. Somerset Wes 38. Clanwilliam 39. Simonstown 40. Porterville | Department. 14. The payment for overtime to officials of the Department |
| <u>Part II</u> 1. National Office 2. Regional Offices | Matters incidental to the investigation of the matters mentioned in Column B of Part I in respect of the offices listed opposite thereto in Column A. |