

- (b) kontrakte wat toegeken was deur die SAUK, strydig met toepaslike wetgewing, handleidings, kodes, beleid, prosedures, voorskrifte, riglyne, direktiewe, instruksies of praktyke van, of van toepassing op, die SAUK of die SAUK se personeel.
2. Die aanskaffing van, en kontraktering vir, goedere of dienste deur die SAUK en betalings wat in verband daarmee gemaak is op 'n wyse wat -
- (a) nie billik, regverdig, deursigtig, mededingend of koste-effektief was nie;
- (b) strydig was met toepaslike -
- (i) wetgewing;
- (ii) handleidings, riglyne, praktyknotas en instruksies deur die Nasionale Tesourie uitgevaardig; of
- (iii) handleidings, beleid, prosedures, direktiewe, instruksies of praktyke van, of van toepassing op, die SAUK.
3. Die wanbestuur van die finansies van die SAUK, met inbegrip van:
- (a) Die betaling van vergoeding, kommissies of toelaes of die verskaffing van voordele aan die SAUK se personeel wat nie verskuldig, opeisbaar, of betaalbaar was nie of wat die gespesifiseerde limiete oorskry het;
- (b) die voortgesette betaling van vergoeding of toelaes of die voorgesette verskaffing van voordele aan die SAUK se personeel wat vir buitensporige lang tydperke van diens geskors was;
- (c) die versuim om belasbare betalings, toelaes of voordele van die SAUK se personeel in die boekhouopgawes van die SAUK aan te teken;
- (d) die aangaan van -
- (i) onreëlmatige uitgawes;
- (ii) vrugtelose en verkwiste uitgawes,
- ten opsigte van betalings wat gemaak is aan die SAUK se personeel of konsultante, verskaffers of diensverskaffers van goedere of dienste aan die SAUK; en
- (e) die toestaan van verkwistende kortings aan kliënte van die SAUK vir dienste aan die SAUK.

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 59, 2010

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 Ikhala Further Education and Training College (hereinafter referred to as the "College")

AND WHEREAS the College 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, refer the matters mentioned in the Schedule, in respect of the College, 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 College;
- (b) improper or unlawful conduct by officials and/or employees of the College;
- (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 College; 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 1 January 2006 and the date of publication of this Proclamation or which took place prior to 1 January 2006, but are connected with or incidental to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority 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 Act, including the recovery of any losses suffered by the College, 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 Twenty-fifth day of October Two thousand and ten.

J G Zuma
President

By Order of the President-in-Cabinet:

J T Radebe
Minister of the Cabinet

SCHEDULE

1. The procurement of goods or services, including leased accommodation, by or on behalf of the College and other expenditure incurred by the College -
 - (a) in a manner that was not fair, competitive, transparent, equitable or cost-effective;
 - (b) which was contrary to applicable legislation or internal policies and procedures regulating the governance of the affairs of the College; or
 - (c) in an unauthorised, irregular or wasteful manner.
2. The unauthorised or irregular procurement of, and contracting and payment for, the acquisition of the following immovable property: Erf Number 872, in Lukhanji Municipality, situated in Limpopo Drive, Queenstown.