

PROCLAMATIONS

by the
PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No. 99, 1998

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 North West Department of Education, Arts, Sports and Culture and/or the North West Tender Board, as mentioned in the Schedule (hereinafter referred to as "the Department" and "the Tender Board", respectively);

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 after consultation with the Premier of the North West Province, refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of justiciable civil disputes emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 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 and/or the Tender Board;
- (b) improper or unlawful conduct by employees of the Department and/or the Tender Board;
- (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 and/or the Tender Board; or

(g) unlawful or improper conduct by any person which has caused or may cause serious harm to the interest of the public or any category thereof,

which has taken place between 1 May 1994 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Thirtieth day of September, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA
President By Order of the President-in-Cabinet:

A. M. OMAR
Minister of the Cabinet

SCHEDULE

1. The unlawful, unauthorised and/or irregular awarding of tenders by the Tender Board to various suppliers of text books, stationery and educational aids, and booksellers and/or publishers.

2. The submission of inadequate and/or incorrect information to the Tender Board by the Department.

3. The unlawful, unauthorised and/or irregular procurement of text books, stationery and educational aids by the Department and/or as a result of tenders awarded by the Tender Board.

4. The unlawful, unauthorised and/or irregular expenditure of public money by the Department and/or the Tender Board in respect of the procurement of text books, stationery and educational aids.

5. The non delivery of text books, stationery and educational aids by suppliers, booksellers and/or publishers to the Department and/or the failure by the Department to account for text books, stationery and educational aids.