

## PROCLAMATION

by the President of the Republic of South Africa

No. R. 53, 1999

### 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 State institutions of the Province of Gauteng as mentioned in the Schedule and, where applicable, their predecessors in law (hereinafter referred to as "the Institutions ");

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 Province of Gauteng, 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 those 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 Institutions;
- (b) improper or unlawful conduct by employees of the Institutions;
- (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 Institutions; 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 May 1994 and the date of publication of this proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria his  
Twenty-ninth day of April One thousand Nine hundred and Ninety-nine.

T. M. MBEKI  
Acting President

By Order of the President-in-Cabinet:

A. M. OMAR  
Minister of the Cabinet

## SCHEDULE

Department of Housing and Land Affairs

1. The unlawful, unauthorised and/or irregular payment by the Department of State subsidies in respect of the development of low cost housing.
2. The failure by the Department to ensure compliance with statutory and/or contractual requirements and/or Departmental directives in respect of the development of low cost housing and/or the failure by developers to comply with such requirements and/or directives.
3. The conclusion of contracts by the Department containing improper, inappropriate and/or insufficient provisions pertaining to the delivery of low cost housing.
4. The improper proclaiming of townships by the Department.
5. The irregular administration and/or operation of and/or access to the Subsidy Management System by employees of the Department and/or unauthorised persons.
6. The unlawful, unauthorised and/or irregular payments made by the Department to attorneys for purposes of conveyancing pertaining to the development of low cost housing.
7. The unlawful and/or irregular applications for subsidies by private persons.
8. The unlawful, unauthorised and/or irregular processing and/or granting of subsidies by the Department.
9. The failure by the Department to comply with the prescribed tender procedures.

10. The unauthorised and/or irregular favouring by employees of the Department of certain conveyancers and/or companies in respect of subsidy applications and the subsequent receipt of commission by such employees.

11. The unlawful, unauthorised and/or irregular charging and/or receipt of administration fees by employees of the Department for the processing of applications for subsidies.

12. The irregular appointment of employees in the Department.

13. The theft and/or loss of and/or failure to exercise proper control over cheques of the Department and/or the fraudulent drawing of such cheques.

14. The irregular approval by the Department of projects pertaining to the development of low cost housing.

15. The failure by the Department to ensure the recovery of interest earned on funds allocated in respect of the development of low cost housing.

16. The unlawful, unauthorised and/or irregular payments made by the Department and/or conveyancers appointed by the Department to developers involved with the development of low cost housing .

17. The irregular awarding of contracts by the Department and/or the Gauteng Provincial Housing Advisory Board to certain companies in which members of the Board have interests.

18. The abuse of the subsidy scheme by employees of the Department, developers and private individuals involved in the development of low cost housing.

#### Gauteng Gambling Board

1. The unauthorised and/or irregular furnishing of information and documents and/or rendering of assistance by members of the Gauteng Gambling Board ("the Board") to certain applicants for casino licences and the subsequent receipt of commission and/or other favours by such members.

2. The unlawful and/or irregular awarding of casino licences by the Board.

3. The failure by the Board to comply with the provisions of the Gambling Act (Gauteng), 1995 (Act No. 4 of 1995), directives of the Department of Finance and Economic Affairs and/or the assessment criteria laid down by the Board.

4. The failure by members of the Board to disclose personal interests in the awarding of casino licenses.

5. The injudicious exercising of the Board's discretion in the consideration and/or awarding of casino licences.

6. The favouring by the Board of certain applicants for casino licences.