

No. R. 57, 2001

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 Department of Transport of the Province of KwaZulu-Natal and/or its predecessor in law (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, and after consultation with the Premier of the Province of KwaZulu-Natal, refer the matters mentioned 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. 118 of 31 July 2001 and determine that, for the purposes of the investigation of those matters, the terms of reference of the Special Investigating Unit, which has the powers, duties and functions assigned to or conferred upon it by the Act, 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 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) 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 1994 and the date of publication of this Proclamation.

Given under my Hand at Cape Town this Twenty-fourth day of October Two thousand and one.

T. M MBEKI
President

By Order of the President-in-Cabinet:

P. M. MADUNA
Minister of the Cabinet

SCHEDULE

1. The unlawful, unauthorised and/or irregular payments made by the Department to business institutions in respect of repairs, services, towage and/or storage of motor vehicles which belong to and/or vest in the Department.

2. The failure by the Department to comply with the prescribed tender procedures in respect of repairs, services, towage and/or storage of motor vehicles which belong to and/or vest in the Department.

3. The failure by the Department to ensure that First Auto complied with the provisions of a contract which was concluded between the Department and First Auto and/or the failure by First Auto to comply with the said provisions.