

PROCLAMATION

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

No. R. 61, 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 various provincial Departments of the Northern Province mentioned in the Schedule and/or their predecessors in law (hereinafter referred to as "the Departments");

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 Northern 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 any of the Departments;
- (b) improper or unlawful conduct by employees of any of the Departments;
- (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 any of the Departments;  
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 1986 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 Twelfth day of May One thousand Nine hundred and Ninety-nine.

N. R. MANDELA

President

By Order of the President-in-Cabinet:

A. M. OMAR

Minister of the Cabinet

#### SCHEDULE

##### Department of Agriculture

The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

##### Department of Education

1. The unlawful, unauthorised and/or irregular payments by the Department to Senoko Enterprises for the supply of chemicals to schools in the Northern Province.

2. The unlawful, unauthorised and/or irregular payments by the Department to Senoko Enterprises for goods not delivered.

##### Department of Health and Welfare

1. The theft of medicines from hospitals and clinics in the Northern Province and the subsequent unlawful, unauthorised and/or irregular sale of the medicine to the public by employees of the hospitals.

2. The unlawful, unauthorised and/or irregular payment by the

Department for products at inflated prices which were delivered to hospitals in the Northern Province by various businesses.

3. The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Local Government

The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Public Transport

1. The unlawful selling of learners' drivers licences by employees of the Department.

2. The unlawful, unauthorised and/or irregular issuing of motor vehicle registration and/or roadworthy certificates by employees of the Department.

3. The theft by employees of the Department of money paid in respect of traffic fines.

4. The theft and/or loss of money, spares and equipment belonging to and/or vesting in the Department by employees of the Department at registering authorities, state garages and workshops, respectively.

5. The unauthorised and/or irregular awarding of tenders and/or outsourcing of work for repairs to and services of Government vehicles and the subsequent payment of excessive fees for such repairs and services by the Department.

6. The theft and/or loss of Government vehicles at state garages and workshops and private garages.

7. The theft and/or misuse of petrol cards belonging to and/or vesting in the Department by employees of the Department.

8. The unlawful, unauthorised and/or irregular payments by the Department in respect of subsidies to bus companies and operators.

9. The failure by employees of the Department to submit supporting documentation in respect of expenses incurred during an overseas trip.

10. The unlawful, unauthorised and/or irregular payments by the

Department in respect of expenses incurred during an overseas trip by employees of the Northern District Council.

11. The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Public Works

The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.

Department of Trade and Industry

The unlawful, unauthorised and/or irregular payments by the Department to former employees and/or non-existent employees and the subsequent loss of State money.