

PROCLAMATION

by the

PRESIDENT OF THE REPUBLIC OF SOUTH AFRICA

No. R. 69, 2000

SPECIAL INVESTIGATION 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 Reconstruction and Development Programme administered by the provincial Department of Local Government and Housing of the Province of KwaZulu-Natal (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 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, 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 1995 and the date of publication of this Proclamation.

Given under my Hand at Pretoria this Third day of November Two thousand.

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 appropriation or expenditure of funds allocated to the Province of KwaZulu-Natal for projects in terms of the Reconstruction and Development Programme (hereinafter referred to as "RDP funds" and "RDP projects", respectively) by -

- (a) employees of the Department;
- (b) institutions, bodies and/or persons appointed or designated to manage, administer, and/or execute the Reconstruction and Development Programme and/or RDP projects; and/or
- (c) employees of institutions, bodies or persons referred to in subparagraph (b).

2. The irregular approval of funds, derived from RDP funds, for RDP projects contrary to contracts, directives and/or policy guidelines regulating the approval of such funds, by programme managers appointed or designated to manage, administer and/or execute RDP projects.

3. The improper and/or unauthorised appropriation, expenditure or utilization of RDP funds by RDP project committees and project co-ordinators, members of the project committees and/or businesses appointed to do work in respect of RDP projects.

4. The unlawful, unauthorised and/or irregular submission to the Department of claims pertaining to expenses incurred in respect of RDP projects by -

- (a) institutions, bodies and/or persons appointed or designated to manage, administer and/or execute RDP projects;
- (b) employees of institutions, bodies or persons referred to in subparagraph (a); and/or
- (c) businesses appointed to do work in respect of RDP projects.

5. The irregularities pertaining to project management fees and related expenditure claimed from the Department by institutions, bodies and/or persons appointed or designated to manage, administer and/or execute the Reconstruction and Development Programme and/or RDP projects and the subsequent loss of public money.

6. The unauthorised and/or irregular payment by the Department of claims which were submitted to the Department by institutions, bodies and/or persons appointed or designated to manage, administer and/or execute the Reconstruction and Development Programme and/or RDP projects and/or businesses appointed to do work in respect of RDP projects pertaining to -

- (a) expenses incurred in respect of RDP projects;
- (b) management fees and related expenses in respect of the Reconstruction and Development Programme and/or RDP projects, including but not limited to salaries, recruitment costs, travel allowances and car hire costs; and
- (c) services rendered and/or goods supplied by businesses appointed to do work in respect of RDP projects.

7. The failure to comply with Tender Board procedure or to give effect to directives of the Tender Board pertaining to the conclusion of contracts for the rendering of services or the delivery of goods for purposes of the Reconstruction and Development Programme in the Province of KwaZulu-Natal by -

- (a) employees of the Department;
- (b) institutions, bodies and/or persons appointed or designated to manage, administer, and/or execute the Reconstruction and Development Programme and/or RDP projects; and/or

(c) employees of institutions, bodies or persons referred to in subparagraph (b).

8. The failure by the Department to implement a proper accounting system to ensure efficient, effective and proper appropriation and/or expenditure of public money allocated to the Province of KwaZulu-Natal in terms of the Reconstruction and Development Programme and the subsequent loss of public money.