

PROCLAMATION

by the
President of the Republic of South Africa

No. 85, 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 Department of Public Works of the Province of the Western Cape 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 the Western Cape, 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 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 and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of July One thousand Nine hundred and Ninety-nine.

J. G. ZUMA
Acting President

By Order of the President-in-Cabinet:

P. M. MADUNA
Minister of the Cabinet

SCHEDULE

1. The failure by the Department to follow prescribed tender procedures.
2. The unlawful, unauthorised and/or irregular awarding of contracts by the Department to contractors for repairs to and maintenance of provincial Government buildings.
3. The unlawful, unauthorised and/or irregular payments by the Department to contractors for repairs to and maintenance of provincial Government buildings.
4. The unlawful, unauthorised and/or irregular receipt of pecuniary consideration by employees of the Department from certain contractors.