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PROCLAMATION**by the****President of the Republic of South Africa****No. R. 18, 2005****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 National and all Provincial Departments of Social Development (hereinafter referred to as the "Departments");

AND WHEREAS the Departments have suffered losses that may be recovered;

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, refer the matter in the Schedule for investigation to the Special Investigating Unit established by Proclamation No. R. 118 of 31

July 2001 and determine that, for the purposes of the investigation of the matter, 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 Departments;
- (b) improper or unlawful conduct by employees 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;
- (f) offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, and which offence were committed in connection with the affairs 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 April 1996 and the date of publication of this Proclamation, and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the said Act, in relation to the said matters in the Schedule, for the purpose of the recovery of any losses suffered by the Departments.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifth day of April Two thousand and five.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

B. S. MABANDLA

Minister of the Cabinet

SCHEDULE

1. The payment and/or receipt of social assistance or benefits in respect of deceased and/or fictitious persons and/or persons who do not, or did not qualify for such assistance and/or benefits or any portion thereof and any conduct directed at promoting or facilitating payment or receipt of such assistance or benefits.

2. Conduct of government officials and/or agents responsible for the administration and/or payment of social assistance or benefits, which has resulted in losses of, lack of control over, or delays in, the payment of monies allocated for the payment of social assistance or benefits and any conduct directed at promoting or facilitating the aforementioned.

PROKLAMASIE**van die****President van die Republiek van Suid-Afrika****No. R. 18, 2005****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleentede van die Nasionale en alle Provinsiale Departemente van Maatskaplike Ontwikkeling (hierna die "Departemente" genoem);

EN AANGESIEN die Departemente verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en beregbare siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van gemelde Wet, die aangeleentheid in die Bylae vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleentheid, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen

na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departemente;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Departemente;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld;
- (f) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, en welke misdrywe gepleeg is in verband met die sake van die Departemente; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 April 1996 en die datum van publikasie van hierdie Proklamasie, en om die bevoegdhede en werksaamhede wat deur die Wet, aan die Spesiale Ondersoekendeheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, vir doeleindes van die verhaal van enige verliese wat deur die Departemente gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vyfde dag van April Tweeduisend-en-vyf..

T. M. MBEKI

President

Op las van die President-in-Kabinet:

B. S. MABANDLA

Minister van die Kabinet

BYLAE

1. Die betaling en/of ontvangs van maatskaplike bystand of voordele ten opsigte van oorlede en/of fiktiewe persone en/of persone wat nie kwalifiseer of gekwalifiseer het vir sodanige bystand en/of voordele of enige gedeelte daarvan nie en optredes wat gerig is op die bevordering van of die fasilitering van betaling of ontvangs van sodanige bystand of voordele.

 2. Optredes van staatsamptenare en/of agente wat verantwoordelik is vir die administrasie en/of betaling van maatskaplike bystand of voordele, wat gelei het tot verliese van, afwesigheid van kontrole oor of vertraging van die uitbetaling van gelde wat toegewys is aan die uitbetaling van maatskaplike bystand of voordele en enige optrede wat gerig is op of fasilitering van die voorafgaande.
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