

PROCLAMATION*by the**President of the Republic of South Africa***No. R. 5, 2014****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) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the South African Post Office (SOC) Limited (hereinafter referred to as "the SAPO");

AND WHEREAS the SAPO suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings emanating from such investigation should be adjudicated upon;

NOW, THEREFORE, I hereby, under section 2(1) of the Act, refer the matters mentioned in the Schedule, in respect of the SAPO, 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 matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any alleged -

- (a) serious maladministration in connection with the affairs of the SAPO;
- (b) improper or unlawful conduct by employees or officials of the SAPO;
- (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) offences 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 (Act No. 12 of 2004), and which offences were committed in connection with the affairs of the SAPO; 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 took place between 1 January 2004 and the date of publication of this Proclamation or which took place prior to 1 January 2004 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority 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 Act, including the recovery of any losses suffered by the SAPO, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Second day of February Two thousand and fourteen.

J G Zuma

President

By Order of the President-in-Cabinet:

J T Radebe

Minister of the Cabinet

SCHEDULE

1. The procurement of goods, works or services by or on behalf of the SAPO and payments made in respect thereof in a manner that was—
 - (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to—
 - (i) applicable legislation;
 - (ii) applicable manuals, guidelines, practice notes or instructions issued by the National Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the SAPO,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the SAPO.
2. Irregularities, malpractices or maladministration in the affairs of the SAPO in relation to—
 - (a) the management of immovable property;
 - (b) the implementation of the WebRipost system;
 - (c) loans granted to Courier and Freight Group (Pty) Limited; and
 - (d) the failure by officials or employees of the SAPO to take the necessary steps to prevent the SAPO from suffering financial losses or damages as a result of industrial action.
3. Irregularities relating to the recruitment, selection and appointment of officials or employees to the SAPO.
4. Payments which were made by the SAPO to fictitious officials or employees.
5. Any undisclosed or unauthorised interests the officials or employees of the SAPO may have had with regard to—
 - (a) vendors, contractors, suppliers or service providers who bid for work or did business with the SAPO; or
 - (b) contracts awarded by or on behalf of the SAPO.