

PROCLAMATION

by the

President of the Republic of South Africa

No. 49, 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 KwaZulu-Natal Provincial Treasury (hereinafter referred to as "the Treasury");

AND WHEREAS the Treasury may have 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 Treasury, 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 Treasury;
- (b) improper or unlawful conduct by employees of the Treasury;
- (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 Treasury; 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 24 May 2012 and the date of publication of this Proclamation or which took place prior to 24 May 2012 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 recovery of any losses suffered by the Treasury, 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 ninth day of July 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 appointment, by the Treasury, of a service provider to the “Municipal Infrastructure Crack Team” of the Treasury to provide services for the Municipal Infrastructure Intervention Programme of the Treasury and payments made to the service provider in a manner that was—
 - (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to—
 - (i) applicable legislation; or
 - (ii) applicable manuals, guidelines, practice notes or instructions issued by the National Treasury or the Treasury; or
 - (c) conducted or facilitated by or through the improper intervention of employees of the Treasury,and related irregular or fruitless and wasteful expenditure incurred by the Treasury.
 2. Unauthorised, irregular or fruitless and wasteful expenditure incurred by the Treasury in respect of the funding of the—
 - (a) “Commemorating Prisoners of War – St Helena” event;
 - (b) Durban International North Sea Jazz Festival; and
 - (c) KwaZulu-Natal Sharks Board.
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