
PROCLAMATIONS • PROKLAMASIES

PROCLAMATION NO. R. 17 OF 2016

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

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 Eastern Cape Department of Education (hereinafter referred to as "the Department");

AND WHEREAS the Department 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 Department, 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 Department;
- (b) improper or unlawful conduct by employees or officials 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) offence referred to in Parts 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 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 took place between 1 January 2014 and the date of publication of this Proclamation or which took place prior to 1 January 2014 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 Department, 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 Thirty-first day of March Two thousand and sixteen.

J G Zuma
President

By Order of the President-in-Cabinet:

T M Masutha
Minister of the Cabinet

Schedule

The procurement of goods and services by or on behalf of the Department from Berlut Books CC; Bright Future Marketing CC t/a Bright Future Marketing Publishers and Booksellers; Cambridge University Press (Pty) Ltd; Clever Child; Clever Kids Educational Tools (Pty) Ltd; Clever Kids Educational Tools (Pty) Ltd; Creative Learning Publishers (Pty) Ltd; Depicta Educational Aids (Pty) Ltd; Educanda CC; Educational Improvement and Study Help CC (EISH); First League Trading CC t/a Early Child Development Suppliers; Global MBD Publishing (Pty) Ltd; Grow Learning Company (Pty) Ltd; Ilima Publishers CC; Inclusive Solutions CC; Lasec SA (Pty) Ltd (Edutrade); Lectio Publishers (Pty) Ltd; Macmillan South Africa (Pty) Ltd; Maths Centre Incorporating Science (Trust); Missing Link Education CC; Modlin E-Learning Solutions (Pty) Ltd; Mongile Suppliers CC; Mpower Learning and Development (Pty) Ltd; Nutrend Publishers CC; Oxford University Press SA (Pty) Ltd; Pearson Holdings SA (Pty) Ltd; Pulse Educational Services CC; Reading Matters (Non Profit Organisation); RIC Publications CC; Shuter & Shooter Publishers (Pty) Ltd; Somerset Educational (Pty) Ltd; Tower City Trading 323 CC t/a Brite Ideas; Via Afrika Publishers & Booksellers (Pty) Ltd; Via Afrika Future; Via Afrika Stimela and Vivlia Publishers and Booksellers (Pty) Ltd, and payments made in respect thereof in a manner that was—

- (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury or the applicable Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department; or
 - (c) conducted or facilitated by or through the unlawful, irregular or improper intervention of officials or employees of the Department,
- and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.