



# Government Gazette

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**AIDS HELPLINE: 0800-123-22 Prevention is the cure**

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## PROCLAMATION

*by the*

*President of the Republic of South Africa*

No. R. 66, 2002

### **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 Correctional Services (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, refer the matters 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 these 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 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) 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 January 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.

Given under my Hand at Phalaborwa this Fifth day of August Two thousand and two.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**P. M. MADUNA**

**Minister of the Cabinet**

**SCHEDULE**

1. The procurement of goods and services for the Department and procedures related thereto.
2. Claims by, or on behalf of employees of the Department from certain medical aid schemes, any conduct and procedures related thereto and any benefits arising therefrom.
3. The recruitment, appointment, promotion and dismissal of employees of the Department and procedures related thereto.
4. The use and/or misuse of property and resources of the Department.
5. Practices in terms of which employees of the Department received any benefits from other employees or members of the public in connection with the execution of their duties or the failure to execute their duties, as the case may be, or in connection with the granting or altering of any condition of incarceration, parole, probation, correctional supervision or community service conditions relative to any person in the care, custody or under control of the Department.
6. The conduct of any employee of the Department or member of the public, with a view to influencing, hampering or impeding any investigation or the destruction of evidence relating to any investigation involving the Department or any of its employees.
7. Intimidation of employees of the Department or members of the public by employees of the Department with a view to the concealment of corrupt or other unlawful practices within the Department.
8. Theft of assets from the Department.
9. The receiving of any benefit or advantage by an employee or employees of the Department from another employee or employees of the Department, or members of the public through the application of pressure inducing their submission to the taking of such benefit or the advantage.