

**PROCLAMATION***by the**President of the Republic of South Africa***No. R. 74, 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 Finance of the Mpumalanga Province (herein after 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, and after consultation with the Premier of Mpumalanga, 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 February 2001 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 matter.

Given under my Hand at Pretoria this Eleventh day of October Two thousand and two.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**A. M. OMAR**

**Minister of the Cabinet**

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**SCHEDULE**

1. The procurement of computer hardware to the value of R1,7 million by the Information Technology Section of the Department.
2. The use of an expired tender board reference number by the Information Technology Section of the Department in order to process the transaction for the procurement of computer hardware.
3. The removal and/or substitution of parts of the procured computer hardware.
4. The retention of some of the computer hardware, already procured by, and belonging to the Department, by an employee of the seller.
5. The alteration of the amount on a cheque made out to the seller of the computer hardware which resulted in an overpayment contrary to the original contract price for the computer hardware.