PROCLAMATION

by the

President of the Republic of South Africa

No. R. 20, 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 Universal Service and Access Agency of South Africa (hereinafter referred to as "the Agency");

AND WHEREAS the Agency 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 Agency, 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 -

(a) serious maladministration in connection with the affairs of the Agency;
(b) improper or unlawful conduct by employees of the Agency;
(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, and which offences were committed in connection with the affairs of the Agency; 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 have taken place between 1 June 2009 and the date of publication of this Proclamation or which took place prior to 1 June 2009 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 Agency, 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 eighteenth day of March Two thousand and fourteen.

J G Zuma
President

By Order of the President-in-Cabinet:

J T Radebe
Minister of the Cabinet

Schedule

1. Maladministration of the affairs of the Agency in relation to the recruitment process which resulted in the appointment, in 2013, of the Chief Executive Officer of the Agency.

2. The Agency's funding, by way of a subsidy in the amount of R500 million, to a service provider for the construction and expansion of an electronic communications network for Emalahleni Local Municipality 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 Agency,

   and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Agency.

3. The procurement by the Agency of services in relation to the Rapid Deployment of Public Access Facilities Programme and payments made in relation thereto 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 Agency,

   and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Agency.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 20, 2014

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die Universele Diensagentskap van Suid-Afrika (hierna na verwys as "die Agentskap");

EN AANGESIEN die Agentskap verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Agentskap, vir ondersoek na die Spesiale Ondersoekeenheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde -

(a) ernstige wanadministrasie in verband met die aangeleenthede van die Agentskap;

(b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Agentskap;

(c) onregmatige bewilliging of besteding van publieke geld of eiendom;

(d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;

(e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;

(f) misdrywe bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, welke misdrywe gepleeg is in verband met die sake van die Agentskap; of

(g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Junie 2009 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Junie 2009 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Agentskap gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Agtiende dag van Maart Twee duisend-en-veertien.

J G Zuma
President

Op las van die President-in-Kabinet:

J T Radebe
Minister van die Kabinet

BYLAE

1. Wanadministrasie van die aangeleenthede van die Agentskap ten opsigte van die werwingsproses wat aanleiding gegee het tot die aanstelling, in 2013, van die Hoof-uitvoerende beampte van die Agentskap.

2. Die Agentskap se befondsing, by wyse van 'n subsidie ten bedrae van R500 miljoen, aan 'n diensverskaffer vir die konstruksie en uitbreiding van 'n elektroniese kommunikasienetwerk vir die Emalahleni Plaaslike Munisipaliteit op 'n wyse wat-
   (a) nie regverdig, mededingend, deursigtig, billik, of koste-effektief was nie;
   (b) strydig was met-
      (i) toepaslike wetgewing;
      (ii) toepaslike handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
      (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Agentskap van toepassing is,

   en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes deur die Agentskap aangegaan.

3. Die aanskaffing deur die Agentskap van dienste ten opsigte van die "Rapid Deployment of Public Access Facilities Program" en betalings wat in verband daarmee gemaak is op 'n wyse-
   (a) nie regverdig, mededingend, deursigtig, billik, of koste-effektief was nie;
   (b) strydig was met-
      (i) toepaslike wetgewing;
      (ii) toepaslike handleidings, riglyne, praktyknotas of instruksies wat deur die Nasionale Tesourie uitgevaardig is; of
      (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Agentskap van toepassing is,

   en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verspilde uitgawes deur die Agentskap aangegaan.

NOTICE – CHANGE OF TELEPHONE NUMBERS: GOVERNMENT PRINTING WORKS

As the mandated government security printer, providing world class security products and services, Government Printing Works has adopted some of the highly innovative technologies to best serve its customers and stakeholders. In line with this task, Government Printing Works has implemented a new telephony system to ensure most effective communication and accessibility. As a result of this development, our telephone numbers will change with effect from 3 February 2014, starting with the Pretoria offices.

The new numbers are as follows:

- Switchboard : 012 748 6001/6002
- Advertising : 012 748 6205/6206/6207/6208/6209/6210/6211/6212
- Publications Enquiries : 012 748 6052/6053/6058 GeneralEnquiries@gpw.gov.za

  Maps : 012 748 6061/6065 BookShop@gpw.gov.za

  Debtors : 012 748 6060/6056/6064 PublicationsDebtors@gpw.gov.za

  Subscription : 012 748 6054/6055/6057 Subscriptions@gpw.gov.za
- SCM : 012 748 6380/6373/6218
- Debtors : 012 748 6236/6242
- Creditors : 012 748 6246/6274

Please consult our website at www.gpwonline.co.za for more contact details.

The numbers for our provincial offices in Polokwane, East London and Mmabatho will not change at this stage.

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