

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 27, 2010

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) ("the Act"), have been made in respect of the affairs of the South African Social Security Agency, both in its national agency and in its provincial agencies (hereinafter collectively referred to as the "SASSA");

AND WHEREAS the SASSA suffered losses that may be recovered;

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 Act, refer the matters mentioned in the Schedule, in respect of the SASSA 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 SASSA;
- (b) improper or unlawful conduct by officials and/or employees of the SASSA;
- (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 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 SASSA; 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 15 November 2004 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 Act, including the recovery of any losses suffered by the SASSA, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this Second day of June Two thousand and ten.

K P Motlanthe

President

By Order of the President-in-Cabinet:

J T Radebe

Minister of the Cabinet

SCHEDULE

1. The unlawful and illegal payment and/or receipt of social grants or benefits in respect of deceased and/or fictitious persons and/or persons who do not qualify for the receipt of such grants or benefits or any portion thereof and any conduct directed at, promoting, or facilitating payment and/or receipt thereof.
2. The conduct of officials and employees of the SASSA, government officials and/or agents responsible for the administration and/or payment of social grants or benefits, which has or may in the future result in losses of, lack of control over, or delays in payment of monies allocated for the payment of social grants or benefits and any conduct directed at, promoting, or facilitating the aforementioned.
3. The procurement and contracting with suppliers and/or service providers for goods and services on behalf of the SASSA and payments made to such suppliers and/or service providers in relation thereto in a manner that was -
 - (a) not fair, equitable, transparent, competitive and/or cost-effective; and/or
 - (b) contrary to applicable -
 - (i) legislation; and/or
 - (ii) manuals, guidelines, practice notes and/or instructions issued by the National Treasury and/or the applicable Provincial Treasury, as amended; and/or
 - (iii) manuals, policies, procedures, prescripts, directives, guidelines, instructions and/or practices of or applicable to, the SASSA.
4. The failure by officials and/or employees of the SASSA to -
 - (a) disclose the fact that they had a direct or indirect interest in the suppliers and/or service providers used by the SASSA, which presented a conflict of interest; and/or
 - (b) disclose to the SASSA, that they engaged in business activities for remuneration outside of their employment.