

## PROCLAMATION

*by the*

*President of the Republic of South Africa*

**No. R. 10, 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 Department of Communications (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—

- (a) serious maladministration in connection with the affairs of the Department;
- (b) improper or unlawful conduct by employees 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 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 (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 have taken place between 1 February 2012 and the date of publication of this Proclamation or which took place prior to 1 February 2012 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 Department, 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 20<sup>th</sup> day of February Two thousand and fourteen.

**J G ZUMA**

**President**

By Order of the President-in-Cabinet:

**J T RADEBE**

**Minister of the Cabinet**

### Schedule

1. The validity of the award by the Department of a tender to render services in respect of a public awareness campaign relating to the broadcasting digital migration process project (DOC/21/2011/12/C) to Media Corner (Pty) Limited on the basis that the award 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;
    - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Department; or
  - (c) conducted or facilitated by or through the improper intervention of employees of the Department,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Department.
2. The validity of the Memorandum of Agreement concluded between the Department and Media Corner (Pty) Ltd on 29 October 2012.
3. The validity of —
  - (a) the implementation of the Memorandum of Agreement referred to in paragraph 2; and
  - (b) any payments made in terms of the Memorandum of Agreement.