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PROCLAMATION*by the**President of the Republic of South Africa***No. R. 49, 2004****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 South African Housing Trust Limited and its wholly owned subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd;

AND WHEREAS the State 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 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 South African Housing Trust Limited and its subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd;

- (b) improper or unlawful conduct by officials of the South African Housing Trust Limited and its subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd;
- (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 South African Housing Trust Limited and its subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd; 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 1 January 1998 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 in the Schedule, for the purpose of the recovery of any losses suffered by the State.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twelfth day of October Two thousand and four.

T. A. MANUEL

President

By Order of the President-in-Cabinet:

B. S. MBANDLA

Minister of the Cabinet

SCHEDULE

1. The manner in which and the transactions in terms of which the shareholding of the South African Housing Trust Limited and its wholly owned subsidiary companies, Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd and the businesses of the said subsidiary companies were sold.
2. The non-disclosure of information by, and conflict of interest of, the directors of South African Housing Trust Limited and its wholly owned subsidiary companies Nu-Way Housing Developments (Pty) Ltd and Khayaletu Home Loans (Pty) Ltd in relation to the said transactions.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 49, 2004

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 Ondersoekeneenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Suid-Afrikaanse Behuisingstrust Beperk en die se volle filiaalmaatskappye, Nu-Way Housing Developments (Edms) Bpk en Khayaletu Home Loans (Edms) Bpk;

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

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

DERHALWE verwys ek hierby, kragtens artikel 2(1) van gemelde Wet, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeneenhede 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 Ondersoekeneenhede is om soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Suid-Afrikaanse Behuisingstrust Beperk en die se filiaalmaatskappye, Nu-Way Housing Developments (Edms) Bpk en Khayaletu Home Loans (Edms) Bpk;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Suid-Afrikaanse Behuisingstrust Beperk en die se filiaalmaatskappye, Nu-Way Housing Developments (Edms) Bpk en Khayaletu Home Loans (Edms) Bpk;
- (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) korrupsie in verband met die sake van die Suid-Afrikaanse Behuisingstrust Beperk en die se filiaalmaatskappye, Nu-Way Housing Developments (Edms) Bpk en Khayaletu Home Loans (Edms) Bpk; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 1998 en die datum van publikasie van hierdie Proklamasie, en om die bevoegdhede en werksaamhede wat deur die Wet, aan die Spesiale Ondersoekeenheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, vir doeleindes van die verhaal van enige verliese wat deur die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Twaalfde dag van Oktober Tweeëduisend-en-vier.

T. A. MANUEL

President

Op las van die President-in-Kabinet:

B. S. MABANDLA

Minister van die Kabinet

BYLAE

1. Die wyse waarop en die transaksies waarkragtens die aandeelbelang van die Suid-Afrikaanse Behuisingstrust Beperk en die se volle filiaalmaatskappye, Nu-Way Housing Developments (Edms) Bpk en Khayaletu Home Loans (Edms) Bpk en die besighede van die filiaalmaatskappye verkoop is.
 2. Die nie-openbaarmaking van inligting deur en konflik van belange van die direkteure van die Suid-Afrikaanse Behuisingstrust Beperk en die se volle filiaalmaatskappye, Nu-Way Housing Developments (Edms) Bpk en Khayaletu Home Loans (Edms) Bpk in verband met die gemelde transaksies.
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