

No. R. 10, 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 Free State Tourism and Marketing Board (hereinafter referred to as "the Board");

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 the Free State Province, 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 Board;
- (b) improper or unlawful conduct by officials of the Board;
- (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 Board; 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 10 December 1997 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 matters.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of January Two thousand and four.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

P. M. MADUNA

Minister of the Cabinet

SCHEDULE

1. Accounting practices in respect of the Board's financial affairs.
2. The failure by the Board to secure the recovery of losses suffered by the Board.
3. Payments, loans and other monetary advances to the Board's personnel and third parties without the necessary authorization.
4. The procurement of goods and services at the Board's expense -
 - (a) without the necessary authorization; and
 - (b) without following prescribed tender procedures.
5. The failure by the Board to ensure compliance with agreements entered into with third parties.
6. The administration and control of expenditure relating to the Board's personnel, which include -
 - (a) the overpayment of personnel; and
 - (b) the failure to recover money from personnel which is due and payable to the Board.
7. The financial administration of the Board's motor vehicle finance scheme.
8. Losses suffered by the Board in respect of -
 - (a) claims for subsistence and traveling allowances;
 - (b) bursaries for personnel; and
 - (c) the loss, theft and misappropriation of the Board's assets.