

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 10, 1999

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 Department of Defence;

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 and for adjudication of justiciable civil disputes emanating from such investigation to the Special Tribunal established by Proclamation No. R. 24 of 14 March 1997 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 Department of Defence;
- (b) improper or unlawful conduct by employees of the Department of Defence;
- (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 Department of Defence; 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 1990 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-eighth day of January One thousand Nine hundred and Ninety-nine.

President

By Order of the President-in-Cabinet:

Minister of the Cabinet

SCHEDULE

1. The failure by members of the Department of Defence to properly perform their duties and/or exercise their functions and/or powers pertaining to makers in respect of the maintenance and repair of military vehicles of the Department and/or to properly manage, control and/or administer such matters, which resulted in the subsequent loss of public money.
2. The unlawful, unauthorised and/or irregular
 - (a) acquisition of spare parts;
 - (b) contractual assignment of private businesses to perform certain work; and
 - (c) contracting of skilled labour from the private sector, by the Department of Defence, in respect of the maintenance and repair of military vehicles of the Department, and the subsequent loss of public money.
3. The unauthorised and/or irregular performance of work by members of the Department of Defence in respect of the maintenance and repair of military vehicles of the Department.
4. The unlawful, unauthorised and/or irregular payment of money and/or

supply of goods to officials or former officials of the Department of Defence involved with the maintenance and repair of military vehicles in exchange for certain favours.

5. The failure by members of the Department of Defence to sell scrap metal timeously, which resulted in the subsequent loss of public money.