

PROCLAMATION

by the President of the Republic of South Africa

No. R. 107, 1998

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 national Department of Constitutional Development and/or its predecessors in law (hereinafter referred to as "the Department");

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 those 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;
- (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) corruption 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 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 Cape Town this Twentieth day of October, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA
President

By Order of the President-in-Cabinet:

A. M. OMAR
Minister of the Cabinet

SCHEDULE

1. The unlawful, unauthorised and/or irregular leasing of conference facilities at the World Trade Centre by the Department.
2. The failure to conclude a formal written lease agreement in connection with the leasing of conference facilities at the World Trade Centre by the Department.
3. The failure by the Department and/or the supplier of the conference facilities at the World Trade Centre to provide the Auditor-General with proper record and substantiating documentation in connection with the leasing of such conference facilities by the Department.
4. The reasonableness and fairness of the expenditure of an amount of approximately R66 million in connection with the leasing of conference facilities at the World Trade Centre by the Department.
5. The failure by the Department to exercise proper financial control and administration over expenditure in connection with the leasing of conference facilities at the World Trade Centre by the Department.