

No. R. 126, 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 State institutions of the Province of Mpumalanga as mentioned in the Schedule (hereinafter referred to as "the Institutions");

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 Province of Mpumalanga, 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 any of the Institutions;
- (b) improper or unlawful conduct by employees of any of the Institutions;
- (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 any of the Institutions; 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 1994 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this fourth day of December 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 appropriation and/or loss of warrant vouchers drawn by the provincial Department of Health and Welfare in favour of various women's clubs and community organisations by officials of the said provincial Department and/or the subsequent payment of such warrant vouchers into private bank accounts.

2. The unlawful, unauthorised and/or irregular facilitation of payments through the Mpumalanga Parks Board (hereinafter referred to as "the Board") by the provincial Department of Environmental Affairs and Tourism and/or the failure by the said provincial Department and/or the Board to submit substantiating documentation in respect of such payments to the Auditor-General.

3. The unlawful, unauthorised and/or irregular conclusion of contracts by the Board with businesses in respect of which the Chief Executive Officer of the Board held interests.

4. The failure by the Board to lay down guidelines and/or procedures in respect of the use of cellular telephones which belong to and/or vest in the Board and/or the irregular private use of such cellular telephones and/or the failure by the Board to recover expenses in respect of private telephone calls made on such cellular telephones.

5. The unlawful, unauthorised, irregular and/or excessive payment of allowances and compensation for expenses incurred by members of the Board in respect of overseas trips.

6. The unlawful, unauthorised and/or irregular approval by the Board of a motor vehicle scheme for members of staff of the Board and/or the unlawful, unauthorised, irregular and/or excessive payment of travelling expenses to such members of staff.

7. The failure by the Board to collect occupational rent while awaiting the registration of title deeds in respect of game parks that were commercialised.

8. The irregular purchase by the Board of the shares and/or interests held by Footsteps CC in Somalanga (Pty) Ltd.

9. The unlawful, unauthorised and/or irregular use by Board members and/or members of staff of the Board of credit cards and/or petrol cards which belong to and/or vest in the Board and/or the failure to exercise proper control in respect of the use of such cards.

10. The unlawful, unauthorised and/or irregular use for private purposes by members of staff of the Board of motor vehicles which belong to and/or vest in the Board and/or the failure by such members of staff to properly complete the log-books in respect of such motor vehicles.

11. The overpayment to members of staff of the Board of travelling allowances in respect of the use of private motor vehicles for official purposes.

12. The failure by the Board to exercise proper control and supervision over consultants to ensure that the required services are rendered and that target dates are adhered to.

13. The unlawful, unauthorised and/or irregular submission of claims in respect of the attendance of Board meetings by members of the Board and/or the subsequent payments made in the strength of such claims.

14. The failure by the Board to keep source documentation in respect of expenses incurred by and/or on behalf of the Board and/or purporting to have been incurred by and/or on behalf of the Board and/or the failure by the Board to submit such source documentation to the Auditor-General.

15. The unlawful, unauthorised and/or irregular payments made to members of the Board in respect of work performed in addition to their duties as members of the Board and/or the failure by the Board to obtain claims and signed time-sheets in respect of such work.

16. The unlawful, unauthorised and/or irregular acquisition of supplies and services by the Board.

17. The unlawful, unauthorised and/or irregular payment and/or overpayment by the Board of salaries, wages, overtime remuneration and allowances to members of staff of the Board and/or private individuals not employed by the Board.