

PROCLAMATION

by the President of the Republic of South Africa

No. R. 21, 1998 - 25 February 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 mentioned in the Schedule (hereinafter referred to as "the State institutions");

AND WHEREAS I deem it necessary that the said allegations should be investigated and any 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 KwaZulu/Natal, refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of any justiciable civil dispute 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 any such State institution;
- b. improper or unlawful conduct by employees of any such State institution;
- 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 such State institution; 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 1992 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 Twenty-fourth day of February, 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 theft of State owned motor vehicles from Manguzi Hospital.
2. The irregular alteration of transactions in official order books and official order forms that were issued for the repair of State owned motor vehicles to inflate the amounts reflected on such order forms and the payment of such inflated amounts by the provincial Department of Transport of KwaZulu/Natal.
3. The irregular use of Government First Auto Cards by officials of the Provincial Department of Transport of KwaZulu/Natal to unlawfully obtain money from business institutions.
4. The unlawful purchase with State money of furniture and electrical equipment for private use by officials of the provincial Department of Transport of KwaZulu/Natal.
5. The entering into of a false contract by the provincial Department of Local Government and Housing of KwaZulu/Natal for the erection of a school and crèche and the submission of fraudulent attendance registers and progress payment certificates in this respect.
6. The fraudulent drawing of cheques from the provincial Department of Local Government and Housing of KwaZulu/Natal and the presentation of such cheques for payment.
7. The private use of construction, earthmoving and plant equipment hired on behalf of the provincial Department of Local Government and Housing of KwaZulu/Natal, the use of building material belonging to the provincial Department of Local Government and Housing of KwaZulu/Natal at Idube International Raceway by Idube Investments (Pty) Ltd and the use of official Government projects as a front for the resulting unlawful expenditure.
8. The fraudulent purchase of steel containers by the provincial Department of Local Government and Housing of KwaZulu/Natal and the appropriation of such containers for private use.