

NO. R. 22, 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 certain affairs of the National Department of Health (hereinafter referred to as "the Department") as mentioned in the Schedule;

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 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) unlawful appropriation or expenditure of public money or property;
- (b) intentional or negligent loss of public money or damage to public property; and
- (c) 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 June 1995 and 31 December 1996.

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 conclusion of a contract by Mr Mbongeni Ngema and/or Committed Artists with the Department on 10 August 1995 in respect of the "Sarafina II" project, and the subsequent breach of such contract by Mr Ngema and/or Committed Artists.

2. The loss of public money and property due to the conduct of Mr Ngema and/or Committed Artists in connection with the "Sarafina II" project.

3. The unlawful expenditure and misappropriation by Mr Ngema and/or Committed Artists of funds voted for the "Sarafina II" project.