

PROCLAMATION

by the
President of the Republic of South
Africa

No. R. 33, 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 Magwa Tea Corporation in the Eastern Cape (hereinafter referred to as "the Corporation") 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) serious maladministration in connection with the affairs of the Corporation;
- (b) improper or unlawful conduct by employees of the Corporation;
- (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 Corporation; or
- (g) unlawful or improper conduct by any person which has caused or may cause serious harm to the interest of the public or any category thereof, which has taken place between 1 January 1997 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-seventh day of March, 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, irregular and/or unauthorised-
 - (a) payment of leave benefits to employees of the Corporation;
 - (b) settlement, with Corporation funds, of private motor vehicle finance debt of certain employees of the Corporation;
 - (c) payment, with Corporation funds, of private legal costs on behalf of certain employees of the Corporation for a case brought by them against the Corporation;
 - (d) payments made by the management of the Corporation, from the Corporation's bank accounts after liquidation and without the consent of the liquidators;
 - (e) granting of interest free staff loans; and
 - (f) payments made by the Corporation in respect of certain employees of the Corporation pertaining to- (i) school/boarding fees for employees' children; (ii) private water and lights accounts; (iii) motor vehicle expenses; and (iv) claims for unauthorised expenses incurred.
2. The abuse of employee benefits and allowances.