

No. R. 44, 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 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 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 1990 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this 29th day of April, One thousand Nine hundred and Ninety-eight.

T. M. MBEKI  
Acting President

By Order of the President-in-Cabinet:

A. M. OMAR  
Minister of the Cabinet

### SCHEDULE

#### Auditor-General

The unlawful, unauthorised and/or irregular promotion of officials and subsequent overpayment of salaries and back pay to officials of the former Audit Office, Bisho.

#### Department of Health

1. The unlawful, unauthorised and/or irregular payment of pension monies to non-existing pensioners and/or persons not entitled thereto by officials in the national Department of Health in co-operation with staff members of Post Offices and members of the public.

2. The theft and/or unlawful, unauthorised and/or irregular appropriation and/or loss of pharmaceutical products in the national Department of Health.

#### South African National Defence Force

1. The unauthorised and/or irregular-

(a) appointment of Multi Media Services to render security services;  
and

(b) subsequent payments made to Multi Media Services, by the former Ciskei Government.

2. The unlawful, unauthorised and/or irregular-

(a) payments made by the former Ciskei Defence Force to businesses on the strength of fraudulent invoices in respect of goods supplies;  
and

(b) payment of commission to members of the former Ciskei Defence Force by such businesses.

South African Reserve Bank

The scheme in terms of which the South African Reserve Bank granted a loan to Bankcorp to save Bankcorp from bankruptcy.