

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 47

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 Independent Broadcasting Authority established under section 3 of the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993) (hereinafter referred to as "the Broadcasting Authority");

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 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 the Broadcasting Authority;
- (b) improper or unlawful conduct by employees of the Broadcasting Authority;
- (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 Broadcasting Authority; 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 March 1994 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-fifth day of March One thousand Nine hundred and Ninety-nine.

N. R MANDELA
President

By Order of the President-in-Cabinet:

A. M. OMAR
Minister of the Cabinet

SCHEDULE

1. The irregular appointment of employees of the Broadcasting Authority.

2. The failure to establish financial and budgetary control measures and/or to apply such measures.

3. The failure to keep proper accounting records of financial transactions and/or to maintain other financial records, registers and supporting documentation.

4. The fraudulent submission of claims by and consequent unauthorised and/or irregular payment of allowances to councillors of the Broadcasting Authority.

5. The unlawful, unauthorised and/or irregular issuing of credit cards to councillors and/or employees of the Broadcasting Authority and/or the use of such cards.

6. The unlawful, unauthorised and/or irregular use of credit cards and/or Diners Club Cards issued to the Broadcasting Authority.

7. The unlawful, unauthorised and/or irregular expenditure of public funds in respect of travelling, the leasing of offices, conferences and local hearings, telephones and cellular telephones and the purchasing of audio-visual equipment.

8. The theft and/or loss of a cheque and/or failure to exercise proper control over cheques of the Broadcasting Authority and/or the fraudulent drawing of such cheques.

9. The unauthorised and/or irregular granting of loans to employees of the Broadcasting Authority.

10. The failure to charge interest on loans and/or tax on fringe benefits granted to employees of the Broadcasting Authority.

11. The unlawful and/or irregular payments by the Broadcasting Authority to certain creditors.

12. The irregular increase of the remuneration packages of councillors of the Broadcasting Authority.

13. The failure by the Broadcasting Authority to comply with tender procedures.

14. The irregular purchasing of motor vehicles for employees of the Broadcasting Authority.

15. The failure by employees of the Broadcasting Authority to pay monthly installments on loans for the purchasing of motor vehicles.