

PROCLAMATION

by the  
President of the Republic of South Africa

No. R. 61, 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 State or public property mentioned in the Schedule (hereinafter referred to as "the Property");

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, and after consultation with the Premier of the Province of the Eastern Cape with regard to the matters set out in paragraphs 7 and 8 of the Schedule, 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 State institution in relation to the property;
- (b) improper or unlawful conduct by employees of any State institution in relation to the property;
- (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 State institution in relation to the property; 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 26 October 1976 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 Second day of June, 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

State or public property in the Province of the Eastern Cape

National Government

1. The unlawful, unauthorised and/or unapproved encroachment upon State land within the coastal reserve near Cintsa East by the building of various structures.
2. The unlawful, invalid and/or irregular sale of immovable State or public property in the Eastern Cape, which belonged to the former Ciskeian and Transkeian Governments, by the said Governments to certain persons and juristic persons.
3. The unlawful, unauthorised and/or irregular occupation of State farms in the Eastern Cape by persons who are either in breach of their lease agreements with the former Transkeian and Ciskeian Governments or who do not have valid lease agreements in terms of which they may occupy such farms.

4. The irregular donation of Hafton farm in the former Transkei to Mr George Matanzima by the former Transkeian Government.

5. The unlawful and/or unauthorised erection of structures on State or public property by a number of persons along the Transkei Wild Coast and the role played by tribal authorities and the National Departments of Land Affairs and of Environmental Affairs in this regard.

6. The unlawful, unauthorised and/or unapproved encroachment upon State land at Umgazi by the building of various structures.

#### Provincial Government

7. The affairs of the Eastern Cape Development Agency and/or the bodies that are now part of the Eastern Cape Development Agency, more particularly the Transkei Development Corporation, Transido, the Ciskei People's Development Bank and the Ciskei Small Business Corporation regarding the unlawful, invalid and/or irregular sale and/or lease of businesses, hotels and recreational facilities, houses, erven and improvements on erven that are or were the property of the State.

8. The irregular procedures followed in respect of the conclusion of the contract awarded by the Eastern Cape Government for the development of a business site and the lease of State land at Kei Bridge to Sunshine Developers.