

PROCLAMATION

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

No. R. 63, 1999

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 Agri-Eco, an agricultural and tourism development company established by the provincial Department of Agriculture of the Province of the Free State (hereinafter referred to as "the Company");

AND WHEREAS I deem it necessary that the said allegations should be investigated and justifiable 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 Free State, refer the matters in the Schedule for investigation to the Special Investigating Unit and for adjudication of justifiable 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 Company;
- (b) improper or unlawful conduct by employees of the Company;
- (c) unlawful appropriation or expenditure of public money or property;
- (d) intentional or negligent loss of public money or damage to public property;
- (e) corruption in connection with the affairs of the Company; or

(f) 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 October 1994 and the date of publication of this Proclamation. Given under my Hand and the Seal of the Republic of South Africa at Johannesburg this Fourteenth day of May 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 unlawful, unauthorised and/or irregular expenditure of funds by board members of the Company in respect of payments for services rendered by consultants and/or employees of the Company.
2. The failure by board members of the Company to exercise proper financial and administrative control in respect of divisions and subsidiary companies of the Company.
3. The conclusion by board members of the Company of inappropriate contracts and/or contracts with improper, inappropriate and/or insufficient provisions with consultants.
4. The failure by board members of the Company to follow tender procedures in respect of the acquisition of external services.