

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 66, 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 former Transkei Agricultural Corporation (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 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 Acting Premier of the Province of the Eastern Cape, 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 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 interests of the public or any category thereof, which has taken place between 1 January 1981 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-sixth 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

1. The unlawful, unauthorised and/or irregular making of payments from banking accounts of the Corporation after the date of dissolution of the Corporation.
2. The failure to make and/or collect repayments in respect of Assisted Vehicle Purchase Plan loans made by the Corporation to its employees and the failure by the Corporation to keep proper records in this respect.
3. The unlawful, unauthorised and/or irregular allocation and/or sale to employees of the Corporation of motor vehicles belonging to the Corporation and the failure by the Corporation to keep proper records in this respect.
4. The unlawful, unauthorised and/or irregular use by employees of the Corporation of cellular telephones purchased by the Corporation and/or the unlawful, unauthorised and/or irregular settlement of accounts by the Corporation in respect of cellular telephones so used.
5. The unlawful, unauthorised and/or irregular claims by employees of the Corporation and/or payments made by the Corporation relating to-

- (a) insurance premiums and excesses and repairs in respect of motor vehicles belonging to employees of the Corporation;
  - (b) study loans and bursaries granted to employees of the Corporation, the granting of paid leave for the duration of such employees' studies and the failure to exercise proper financial control and administration over such bursaries and loans;
  - (c) advances on home loans made to employees of the Corporation;
  - (d) advances on funeral benefits made to family members of deceased employees of the Corporation and the failure to recover such benefits; and
  - (e) travelling and subsistence allowances which were excessive and/or to which employees of the Corporation were not entitled, and the failure by the Corporation to keep proper records in these respects.
6. The unlawful, unauthorised and/or irregular payments made by the Corporation to attorneys and the failure by the Corporation to state the reasons for such payments and/or to keep proper records in this respect.
7. The unlawful, unauthorised and/or irregular payments from the Corporation's pension and provident funds to employees of the