

# PROCLAMATIONS

by the

President of the Republic of South Africa

No. R. 69, 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 and/or their predecessors in law (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 State institution mentioned in the Schedule;
- (b) improper or unlawful conduct by employees of any State institution mentioned in the Schedule;
- (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 mentioned in the Schedule; 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 Pretoria this Third day of July 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

##### Border Training Centre (Eastern Cape)

1. The unlawful, unauthorised and/or irregular -
  - (a) use of Government motor vehicles allocated to the Border Training Centre (hereinafter referred to as "the BTC") by members of the Board of Trustees and employees of the BTC for private purposes;
  - (b) misuse and the theft of Government vehicles allocated to the BTC;
  - (c) drawing of cheques by members of the Board of Trustees and/or employees of the BTC;
  - (d) instruction to employees of the BTC to change their existing insurance policies to Halycon Insurance Company;
  - (e) payments to a business known as HCL Home Improvements;
  - (f) overspending by the BTC during the 1995 and 1996 financial

years;

- (g) payment of moneys intended for BTC projects to employees of the BTC for the payment of accumulated leave;
  - (h) approval of a 100% increase of meeting allowances by members of the Board of Trustees of the BTC;
  - (i) purchasing of supplies on behalf of the BTC from businesses belonging to members of the Board of Trustees of the BTC; and
  - (j) payment of the BTC debts with money deducted from the salaries of the staff.
2. The breaking into numerous workshops and training centres and the theft of equipment belonging to the Government.

#### Eastern Cape Development Agency

The affairs of the Eastern Cape Development Agency and/or the bodies that are now part of the Eastern Cape Development Agency, and more particularly the Transkei Development Corporation, Transido, the Ciskei People's Development Bank and the Ciskei Small Business Corporation, relating to -

- (a) the irregular manner in which Mr Campbell Bomela executed his duties as Chief Executive Officer of the Eastern Cape Development Agency and Managing Director of Transido;
- (b) the irregular receipt of payment in respect of travelling and subsistence allowances by Board members and employees of the above-mentioned bodies;
- (c) the irregular entering into of contracts by Board members and employees of the above-mentioned bodies with companies in which they have an interest;
- (d) the misappropriation and/or utilising of funds by employees or former employees of the above-mentioned bodies for purposes for which the funds were not intended; and
- (e) the irregular granting of loans to Board members and employees of the above-mentioned bodies and/or their relatives and/or friends.

#### Mpumalanga Development Corporation

1. The unlawful, unauthorised and/or irregular payments made by the Mpumalanga Development Corporation (hereinafter referred to as "the MDC") to the former Managing Director of the MDC, Mr PK Mogorosi.
2. The maladministration of the affairs of the MDC pertaining to -
  - (a) insufficient administrative and accounting procedures to exercise financial control and control in respect of assets;
  - (b) non compliance with applicable statutory provisions and/or directives; and
  - (c) improper planning and evaluation in respect of the Corporate Head Office in Witbank, resulting in excessive office space being rented.
3. The inefficient, ineffective and irregular management of loans, rentals and/or guarantees by the MDC

South African Rail Commuter Corporation Limited (Gauteng)

1. The unlawful, unauthorised and/or irregular awarding of contracts for the upgrading of security services and facilities at railway stations in the greater Gauteng area by the South African Rail Commuter Corporation Limited (hereinafter referred to as "the Corporation") -
  - (a) to various companies in which employees of the Corporation have an interest;
  - (b) for which employees of the Corporation received commission from the companies concerned; and
  - (c) in respect of which false invoices were submitted.
2. The loss of State funds through theft and fraud at the Corporation.

University of Venda (Northern Province)

1. The conduct of the Vice-Chancellor of the University of Venda (hereinafter referred to as "the University") with regard to the appointment and promotion of persons contrary to the interests of the University, standing orders of the Senate and Council and other University prescripts.
2. The unauthorised and/or irregular use of a credit card issued by

the University to the Vice-Chancellor.

3. The unlawful, unauthorised and/or irregular payments in respect of furniture for the University.

Western Cape College of Education

1. The submission of fictitious claims by employees of the Western Cape College of Education (hereinafter referred to as "the College") for work purported to have been done by subcontractors and the subsequent payments made by the College.
2. The unlawful, unauthorised and/or irregular -
  - (a) payment of salaries and/or allowances for employees of the College from State funds; and
  - (b) removal of computers and stationary of the College for private use.