

PROCLAMATION

by the
President of the Republic of South Africa

No. R. 93, 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, and after consultation with the Premiers of the provinces concerned, 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 such state institution;
- (b) improper or unlawful conduct by employees of any such State institution;
- (c) unlawful appropriation or expenditure of public money 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 such State institution; or

(g) unlawful or improper conduct by any person which has caused or may cause serious harm to the interest of the public or any category thereof,

which has taken place between 1 January 1992 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 Fifteenth day of September, One thousand Nine hundred and Ninety-eight.

M. G. BUTHELEZI
Acting President

By Order of the President-in-Cabinet:

A.M.OMAR
Minister of the Cabinet

SCHEDULE

PROVINCE OF THE EASTERN CAPE

Department of Education, Culture and Sport

The unlawful, unauthorised and/or irregular payment of a salary to a former official whose employment was terminated by the provincial Department of Education, Culture and Sport of the Eastern Cape.

Department of Public Works

The unlawful, unauthorised and/or irregular-

(a) allocation of maintenance and repair contracts;

(b) approval of fictitious work order forms; and

(c) payments made in respect of work which was not done,

by employees of the provincial Department of Public Works of the Eastern Cape.

Department of Welfare

1. The unlawful, unauthorised and/or irregular payment of subsidies to Sisonke Community Centre by the provincial Department of Welfare of the Eastern Cape.

2. The failure by Sisonke Community Centre to account for funds received from the provincial Department of Welfare of the Eastern Cape and to keep proper financial statements and to submit audited financial statements to the said provincial Department.

3. The misappropriation of funds of the Sisonke Community Centre.

4. The theft and/or loss of Government cheques payable to pensioners at the provincial Department of Welfare, Bisho.

5. The unlawful, unauthorised and/or irregular drawing of cheques of the provincial Department of Welfare of the Eastern Cape payable to pensioners.

NORTH WEST PROVINCE

Department of Health and Welfare

The submission of falsified and/or duplicated invoices by businesses delivering supplies for purposes of the State feeding scheme for children at primary schools in the North West Province and the subsequent unauthorised and/or irregular payments by the provincial Department of Health and Welfare.