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OF
SOUTH AFRICA



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No. 19991

PROCLAMATION

by the

President of the Republic of South Africa

No. R. 47

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 Independent Broadcasting Authority established under section 3 of the Independent Broadcasting Authority Act, 1993 (Act No. 153 of 1993) (hereinafter referred to as "the Broadcasting Authority");

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 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 Broadcasting Authority;
- (b) improper or unlawful conduct by employees of the Broadcasting Authority;
- (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 Broadcasting Authority; 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 March 1994 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
Twenty-fifth day of March 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 irregular appointment of employees of the Broadcasting Authority.
2. The failure to establish financial and budgetary control measures and/or to apply such measures.
3. The failure to keep proper accounting records of financial transactions and/or to maintain other financial records, registers and supporting documentation.
4. The fraudulent submission of claims by and consequent unauthorised and/or irregular payment of allowances to councillors of the Broadcasting Authority.
5. The unlawful, unauthorised and/or irregular issuing of credit cards to councillors and/or employees of the Broadcasting Authority and/or the use of such cards.

6. The unlawful, unauthorised and/or irregular use of credit cards and/or Diners Club Cards issued to the Broadcasting Authority.
7. The unlawful, unauthorised and/or irregular expenditure of public funds in respect of travelling, the leasing of offices, conferences and local hearings, telephones and cellular telephones and the purchasing of audio-visual equipment.
8. The theft and/or loss of a cheque and/or failure to exercise proper control over cheques of the Broadcasting Authority and/or the fraudulent drawing of such cheques.
9. The unauthorised and/or irregular granting of loans to employees of the Broadcasting Authority.
10. The failure to charge interest on loans and/or tax on fringe benefits granted to employees of the Broadcasting Authority.
11. The unlawful and/or irregular payments by the Broadcasting Authority to certain creditors.
12. The irregular increase of the remuneration packages of councillors of the Broadcasting Authority.
13. The failure by the Broadcasting Authority to comply with tender procedures.
14. The irregular purchasing of motor vehicles for employees of the Broadcasting Authority.
15. The failure by employees of the Broadcasting Authority to pay monthly instalments on loans for the purchasing of motor vehicles.

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 47****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996
(WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA
BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Onafhanklike Uitsaai-owerheid ingestel kragtens artikel 3 van die Wet op die Onafhanklike Uitsaai-owerheid, 1993 (Wet No. 153 van 1993) (hierna "die Uitsaai-owerheid" genoem);

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en beregbare siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2 (1) van gemelde Wet, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenheid en vir beregting van beregbare siviele geskille voortspruitend uit sodanige ondersoek na die

Spesiale Tribunaal ingestel by Proklamasie No. R. 24 van 14 Maart 1997 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekkeenheid is om, soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Uitsaai-owerheid;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Uitsaai-owerheid;
- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat betrekking het op Staatseiendom;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) korrupsie in verband met die sake van die Uitsaai-owerheid; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen Maart 1994 en die datum van publikasie van hierdie Proklamasie.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Vyf-en-twintigste dag van Maart Eenduisend Negehondered Nege-en-negentig.

N. R. MANDELA

President

Op las van die President-in-Kabinet:

A. M. OMAR

Minister van die Kabinet

BYLAE

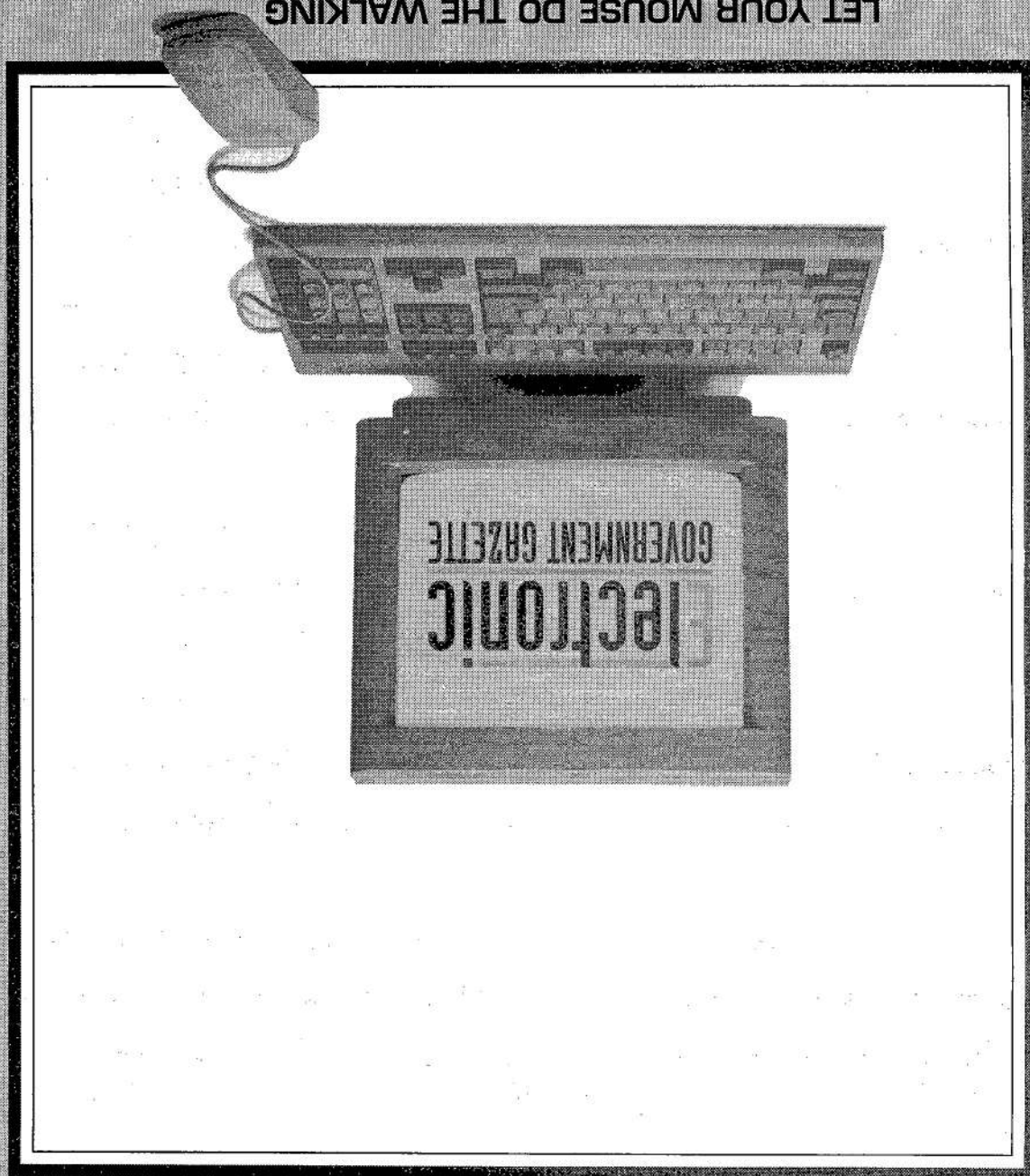
1. Die onreëlmatige aanstelling van werknemers van die Uitsaai-owerheid.
2. Die versuim om finansiële-en begrotingsbeheermaatreëls in te stel en/of om sodanige maatreëls toe te pas.
3. Die versuim om behoorlik boek te hou van finansiële transaksies en/of om ander finansiële rekords, registers en ondersteunende dokumentasie in stand te hou.
4. Die bedrieglike voorlegging van eise deur en gevolglike ongemagtigde en/of onreëlmatige uitbetaling van toelaes aan raadslede van die Uitsaai-owerheid.
5. Die onregmatige, ongemagtigde en/of onreëlmatige uitreiking van kredietkaarte aan raadslede en/of werknemers van die Uitsaai-owerheid en/of die gebruik van sodanige kaarte.

6. Die onregmatige, ongemagtigde en/of onreëlmatige gebruik van kredietkaarte en/of Diners Club Kaarte uitgereik aan die Uitsaai-owerheid.
7. Die onregmatige, ongemagtigde en/of onreëlmatige uitgawe van openbare fondse ten opsigte van vervoer, die huur van kantore, konferensies en openbare verhore, telefone en sellulêre telefone en die aankoop van oudiovisuele toerusting.
8. Die diefstal en/of verlies van 'n tjek en/of versuim om behoorlike beheer oor tjeks van die Uitsaai-owerheid uit te oefen en /of die bedrieglike aanbieding vir betaling van sodanige tjeks.
9. Die ongemagtigde en/of onreëlmatige toestaan van lenings aan werknemers van die Uitsaai-owerheid.
10. Die versuim om rente op lenings en belasting op byvoordele wat aan werknemers van die Uitsaai-owerheid toegestaan is, te hef.
11. Die ongemagtigde en/of onreëlmatige betaling van sekere krediteure deur die Uitsaai-owerheid.
12. Die onreëlmatige verhoging van vergoedingspakette van raadslede van die Uitsaai-owerheid.
13. Die versuim van die Uitsaai-owerheid om tenderprosedures na te kom.
14. Die onreëlmatige aankoop van motorvoertuie vir werknemers van die Uitsaai-owerheid.
15. Die versuim van werknemers van die Uitsaai-owerheid om maandelikse paaielemente op lenings vir die aankoop van motorvoertuie te betaal.

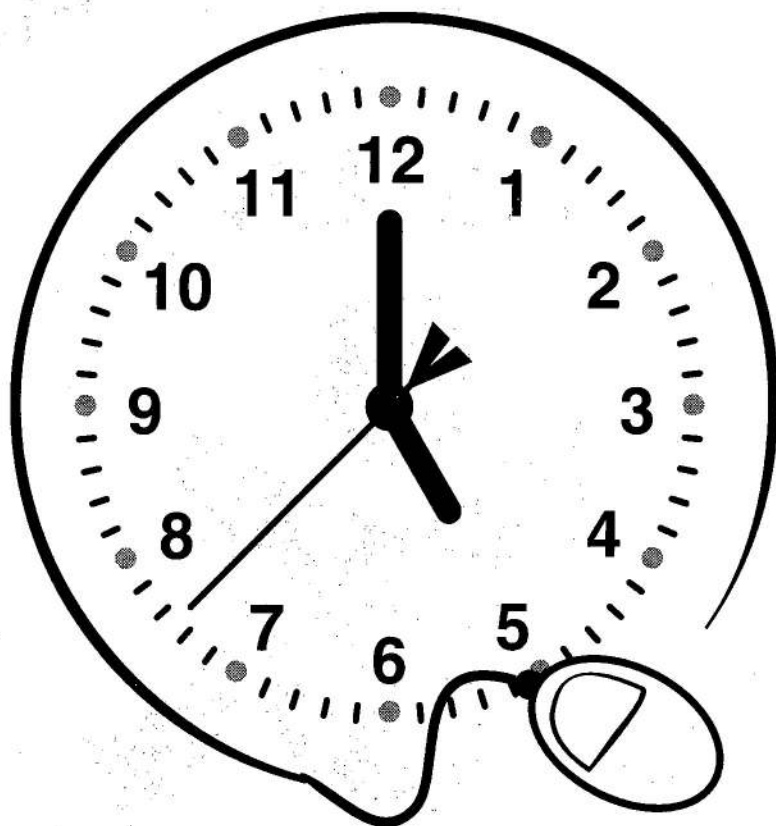
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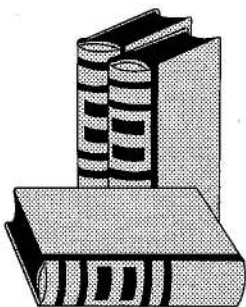
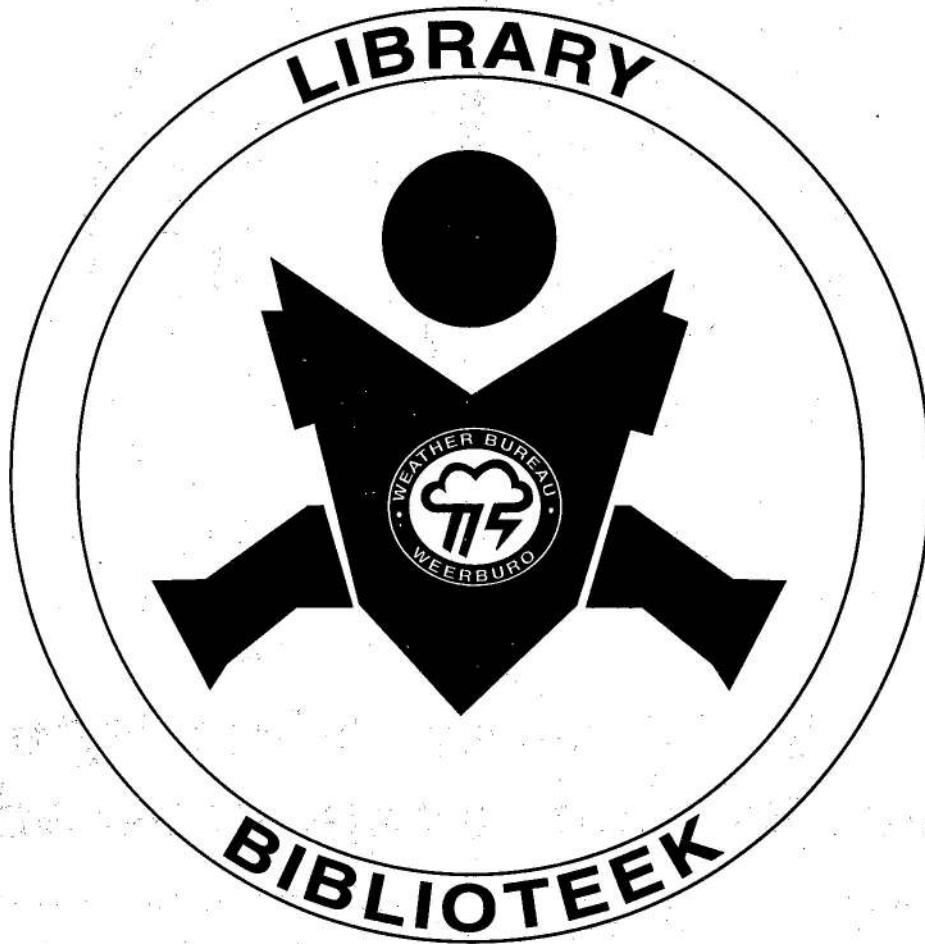
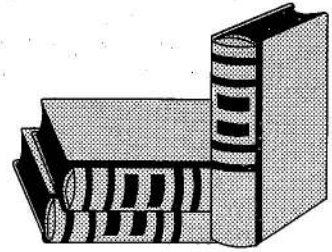
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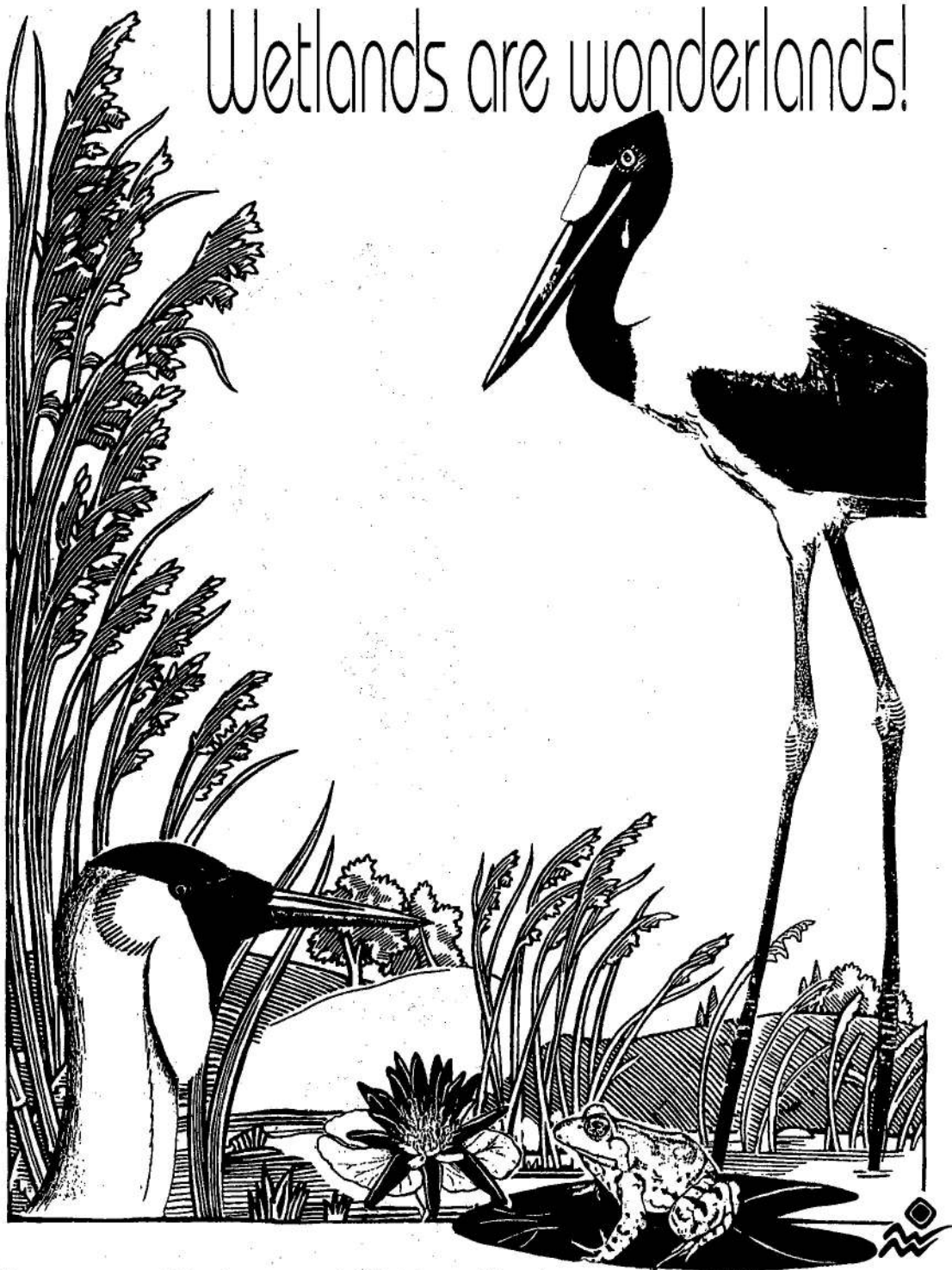
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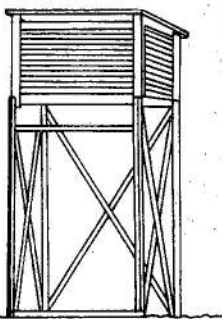
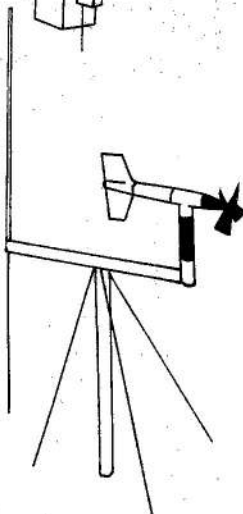


Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

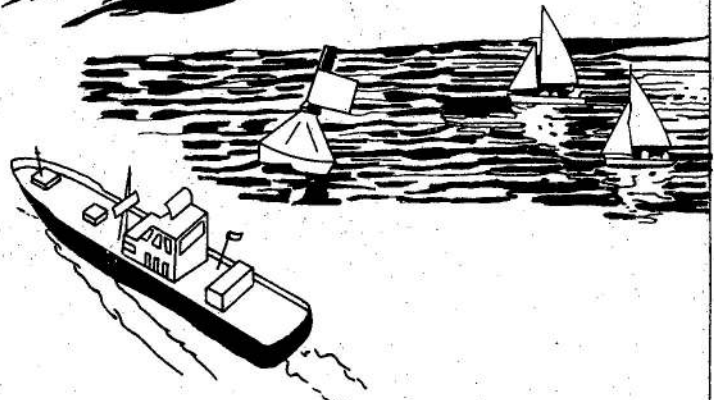
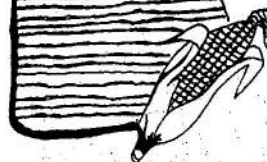
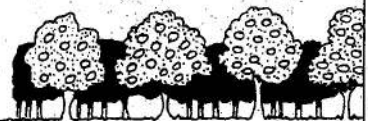
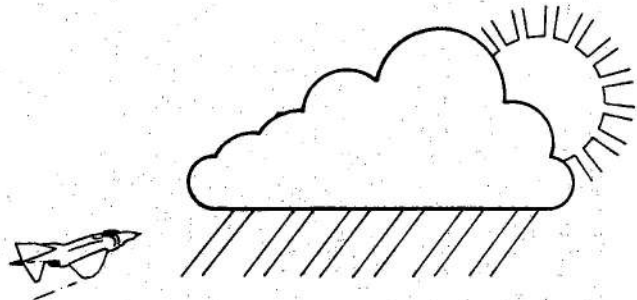
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