

REPUBLIC  
OF  
SOUTH AFRICA



REPUBLIEK  
VAN  
SUID-AFRIKA

**NORTH-WEST  
NOORD WES**

**PROVINCIAL GAZETTE  
PROVINSIALEKOERANT**

Price R1,20

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18/11/1994

Nr.  
No. 78



**PROCLAMATION**

**NO. 7**

**BY THE MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL  
GOVERNMENT, HOUSING, PLANNING AND DEVELOPMENT.**

LOCAL GOVERNMENT TRANSITION ACT, 1993

(ACT NO. 209 OF 1993)

ESTABLISHMENT OF CERTAIN AREAS AS TRANSITIONAL LOCAL COUNCILS.

I, Darkey Ephraim Africa, Member of the Executive Council responsible for Local Government, Housing, Planning and Development of the North West, under sections 10(1)(a) and 10(3) of the Local Government Transition Act, 1993 (Act 209 of 1993 read with Proclamation No. R129, 1994 published in Government Gazette No. 15894 of 15 July 1994), and with the concurrence of the Provincial Committee for Local Government, hereby establish Transitional Local Councils for the areas known as Madikwe and Pudimoe and make further enactments as set out in Schedule A and B respectively.

Given under my hand at ...*MMABATHO*... this...*9<sup>th</sup>*... day of  
...*Nov*... 1994.

  
DARKEY EPHRAIM AFRICA

MEMBER TO THE EXECUTIVE COUNCIL RESPONSIBLE FOR LOCAL GOVERNMENT,  
HOUSING, PLANNING AND DEVELOPMENT

**SCHEDULE A**

**ESTABLISHMENT OF A TRANSITIONAL LOCAL COUNCIL**

1. (a) A Transitional Local Council, named The Transitional Council of Madikwe, is hereby established as envisaged in section 7(1)(b)(i) of the Local Government Transition Act, 1993 (Act No 209 of 1993).
- (b) The Transitional Local Council established under paragraph (a) shall consist of the local body of Madikwe and shall be deemed to be a local government body in accordance with the Local Government Ordinance.

**DISBANDMENT OF LOCAL GOVERNMENT BODY**

2. The Urban Council of Madikwe is hereby disbanded on the effective date.

**AREA OF THE TRANSITIONAL LOCAL COUNCIL**

3. (1) The area of the Transitional Local Council of Madikwe shall consist of the existing area of jurisdiction of the Disbanded Urban Council of Madikwe.

**MEMBERS OF THE TRANSITIONAL LOCAL COUNCIL**

4. (1) The Transitional Local Council of Madikwe shall consists of the following 12 members who were duly nominated in accordance with paragraph 5 of Schedule 1 of the Act.

SURNAME	INITIALS	IDENTITY NUMBER
Mmutlane	O I	5304120101302
Liphoko	L M	4250454
Motlhabane	E S	5410310100203
Tsebempe	S K	6401260102204
Badimo	R A	6210250101101
Mabale	O J	4702020100602
Tukisi	S	6810045898083
Lekote	M	6303120103146
Tshukudu	I	6509175782089
Molelekeng	P	5309085750081
Ruthoane	F	6501250106206
Mookaneng	J	5707075101305

- (2) The Transitional Council of Madikwe shall, at its first meeting, elect a mayor and deputy-mayor from its members whereafter the provisions of section 17 of the Local Government Ordinance, 1939 (Ordinance No 17 of 1939) shall apply.
- (3) The terms of office of the members of the disbanded local government bodies as detailed in section 2, are hereby terminated.
- (4) Any vacancies that arise, shall be submitted to the Premier within thirty (30) days with a view to filling such vacancies from the list of additional candidates in order of preference as envisaged in paragraph 5 of Schedule 1 of the Act.

#### **ALLOWANCE OF COUNCILLORS**

5. All the councillors shall receive an allowance of not more than the maximum allowance paid to councillors of the Disbanded Urban Council of Madikwe. The mayor and deputy-mayor shall receive an allowance of not more than the maximum allowance paid to a mayor and deputy-mayor of the Disbanded Urban Council of Madikwe.

#### **EXECUTIVE COMMITTEE**

6. (1) The Council elects from its members an executive committee as intended in section 16(6) of the Local Government Transition Act, 1993.
- (2) The Council shall elect one of its members as chairperson thereof.

#### **DUTIES AND POWERS OF THE COUNCIL**

7. The Transitional Council shall have all the duties, rights and powers and responsibilities as determined in all laws which are applicable to a local government body.

#### **TRANSFER OF ASSETS, LIABILITIES, RIGHTS AND OBLIGATIONS**

8. All assets, liabilities, rights and obligations of the disbanded Urban Council of Madikwe are hereby transferred to the Transitional Council of Madikwe.

#### **RESOLUTIONS, BY-LAWS AND REGULATIONS**

9. (1) All resolutions which have been taken by the disbanded Urban Council of Madikwe and all by-laws and regulations of the said local government body are, after the effective date, deemed to be resolutions, by-laws and regulations of the new Transitional Council of Madikwe.
- (2) These practical transitional measures shall not be construed as derogating from the powers of the T L C to amend, repeal or add to these measures.

#### **RIGHTS OF EMPLOYEES OF THE LOCAL TRANSITIONAL COUNCIL OF MADIKWE.**

10. (1) All employees of the disbanded Urban Council of Madikwe are, as from the date of the establishment of the Transitional Council, deemed to be employees of the Transitional Council with the retention of present post designations, salary and salary scale allowances, leave bonuses, confinement leave where applicable, benefits and conditions of employment as contained in legislation, Industrial Council and the contents of the last mentioned mutatis mutandis are deemed to be provisions of this agreement.
- (2) ANY OTHER MATTERS NOT REFERRED TO  
  
Any other matters which are not specifically referred to in this schedule and all other matters

which is arranged by legislation, is also confirmed and acknowledged by the Transitional Council and will be complied with.

(3) COMMITMENT

The Transitional Council shall commit itself to protect the rights and benefits of its employees and no amendments which may influence any employee adversely, shall be made effective without consulting all the trade unions concerned.

- (4) The rights and benefits of employees of the disbanded local government body are hereby confirmed and all employees of the disbanded local government body shall be deemed to be employees of the new Transitional Council of Madikwe.

Proclamation No 54 of 1944 which stipulates membership of medical schemes, pension funds and provident fund shall be deemed to be applicable to the employees of the Transitional Council of Madikwe.

- (5) Employees in the service of the dissolved local government body shall be taken up in the service of the Transitional Council of Madikwe, subject to conditions which are not less favourable than those under which they served in the disbanded local government body and also subject to the applicable labour legislation and proper consultation between employer and employee bodies

**EFFECTIVE DATE**

11. This Proclamation becomes effective on the day of publication in the Provincial Gazette.

## **SCHEDULE B**

### **ESTABLISHMENT OF A TRANSITIONAL LOCAL COUNCIL**

1. (a) A Transitional Local Council, named The Transitional Council of Pudimoe, is hereby established as envisaged in section 7(1)(b)(i) of the Local Government Transition Act, 1993 (Act No 209 of 1993).
- (b) The Transitional Local Council established under paragraph (a) shall consist of the local body of Pudimoe and shall be deemed to be a local government body in accordance with the Local Government Ordinance.

### **DISBANDMENT OF LOCAL GOVERNMENT BODY**

2. The Urban Council of Pudimoe is hereby disbanded on the effective date.

### **AREA OF THE TRANSITIONAL LOCAL COUNCIL**

3. (1) The area of the Transitional Local Council of Pudimoe shall consist of the existing area of jurisdiction of the Disbanded Urban Council of Pudimoe.

### **MEMBERS OF THE TRANSITIONAL LOCAL COUNCIL**

4. (1) The Transitional Local Council of Pudimoe shall consists of the following 10 members who were duly nominated in accordance with paragraph 5 of Schedule 1 of the Act.



SURNAME	INITIALS	IDENTITY NUMBERS
Mr Damaneyt	V S V	5712125477088
Mr Mahura	O H	4110235250084
Mr Makgalemane	E I	6203035515083
Mrs Mangwegape	B	
Mr Mathiba	D L	7102046005085
Mr Mogokonyane	L I	5908250100909
Mrs Mooketsi	S	6706240509089
Mr Ncobo	S G	6011185752087
Mr Ndaki	V L	5502025877085
Mr Tladi	M D	5806025674081

- (2) The Transitional Council of Pudimoe shall, at its first meeting, elect a mayor and deputy-mayor from its members whereafter the provisions of section 17 of the Local Government Ordinance, 1939 (Ordinance No 17 of 1939) shall apply.
- (3) The terms of office of the members of the disbanded local government bodies as detailed in section 2, are hereby terminated.
- (4) Any vacancies that arise, shall be submitted to the Premier within thirty (30) days with a view to filling such vacancies from the list of additional candidates in order of preference as envisaged in paragraph 5 of Schedule 1 of the Act.

#### ALLOWANCE OF COUNCILLORS

5. All the councillors shall receive an allowance of not more than the maximum allowance paid to councillors of the Disbanded Urban Council of Pudimoe. The mayor and deputy-mayor shall receive an allowance of not more than the maximum allowance paid to a mayor and deputy-mayor of the Disbanded Urban Council of Pudimoe.

#### **EXECUTIVE COMMITTEE**

6. (1) The Council elects from its members an executive committee as intended in section 16(6) of the Local Government Transition Act, 1993.
- (2) The Council shall elect one of its members as chairperson thereof.

#### **DUTIES AND POWERS OF THE COUNCIL**

7. The Transitional Council shall have all the duties, rights and powers and responsibilities as determined in all laws which are applicable to a local government body.

#### **TRANSFER OF ASSETS, LIABILITIES, RIGHTS AND OBLIGATIONS**

8. All assets, liabilities, rights and obligations of the disbanded Urban Council of Pudimoe are hereby transferred to the Transitional Council of Pudimoe.

#### **RESOLUTIONS, BY-LAWS AND REGULATIONS**

9. (1) All resolutions which have been taken by the disbanded Urban Council of Pudimoe and all by-laws and regulations of the said local government body are, after the effective date, deemed to be resolutions, by-laws and regulations of the new Transitional Council of Pudimoe.
- (2) These practical transitional measures shall not be construed as derogating from the powers of the T L C to amend, repeal or add to these measures.

#### **RIGHTS OF EMPLOYEES OF THE LOCAL TRANSITIONAL COUNCIL OF PUDIMOE.**

10. (1) All employees of the disbanded Urban Council of Pudimoe are, as from the date of the establishment of the Transitional Council, deemed to be employees of the Transitional Council with the retention of present post designations, salary and salary scale allowances, leave bonuses, confinement leave where applicable, benefits and conditions of employment as contained in legislation, Industrial Council and the contents of the last mentioned mutatis mutandis are deemed to be provisions of this agreement.
- (2) ANY OTHER MATTERS NOT REFERRED TO  
  
Any other matters which are not specifically referred to in this schedule and all other matters

which is arranged by legislation, is also confirmed and acknowledged by the Transitional Council and will be complied with.

(3) COMMITMENT

The Transitional Council shall commit itself to protect the rights and benefits of its employees and no amendments which may influence any employee adversely, shall be made effective without consulting all the trade unions concerned.

(4) The rights and benefits of employees of the disbanded local government body are hereby confirmed and all employees of the disbanded local government body shall be deemed to be employees of the new Transitional Council of Pudimoe.

Proclamation No 54 of 1944 which stipulates membership of medical schemes, pension funds and provident fund shall be deemed to be applicable to the employees of the Transitional Council of Pudimoe.

(5) Employees in the service of the dissolved local government body shall be taken up in the service of the Transitional Council of Pudimoe, subject to conditions which are not less favourable than those under which they served in the disbanded local government body and also subject to the applicable labour legislation and proper consultation between employer and employee bodies

**EFFECTIVE DATE**

11. This Proclamation becomes effective on the day of publication in the Provincial Gazette.



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DEPARTMENT OF LOCAL GOVERNMENT, HOUSING, PLANNING AND DEVELOPMENT.

PROCLAMATION

NO. 8

UPGRADING OF STATUS OF CERTAIN LAND IN WINTERVELD FROM "AGRICULTURAL  
HOLDING" TO "URBAN/TOWNSHIP DEVELOPMENT"

Under section 10(1)(a) of the Local Government Transition Act, 1993 (Act  
209 of 1993) I hereby upgrade the status of the area of land described in  
the Schedule hereto by changing the designation of such land from  
"agricultural holding" to "urban/township development".

Given under my hand at *M. NABAT* this *10* day of *NOV*, 1994.

  
DARKEY EPHRAIM AFRICA.

MEMBER OF THE EXECUTIVE COUNCIL RESPONSIBLE FOR  
LOCAL GOVERNMENT, HOUSING, PLANNING AND DEVELOPMENT.

SCHEDULE

A certain place of land in extent 8124, 1436 morgen (6958,589 hectares) situated on the farm Winterveld No. 101 - JR comprising 1062 holdings numbered 1 - 1059, 1062 - 1065 and 3 outspans numbered 1058, 1060 and 1061 as indicated on General Plan S.G. No. A896/40 (Sheet 2).

BYLAE

Op sekere stuk grond groot 8124, 1436 morgen (6958,589 hektaar) geleë op die plaas Winterveld No. 101 - JR bevattend 1062 eiendomme genummer 1 - 1059, 1062 - 1065 en 3 uitspan genummer 1058, 1060 en 1061 soos aangetoon op Algemene Plan S.G. Nr. A896/40 (Sheet 2).

MAMETLELELO

Karolo e e rileng ya lefatshe dimogene tse 8124, 1436 la bogolo jwa (6958,589 diheketara) e e ikadileng mo polaseng ya Winterveld No. 101 - JR e e akaretsang bong jwa 1062 tsa dinomore tsa 1 - 1059, 1062 - 1065 le 3 outspans dinomore tsa 1058, 1060 le 1061 jaaka go supiwa mo polaneng ya Kakaretso ya S.G. ya Palo ya A896/40 (Shiti 2).





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OFFICE OF THE PREMIER OF NORTH WEST.

GOVERNMENT NOTICE

NO. 71

AMENDMENT OF THE TERMS OF REFERENCE OF THE COMMISSION OF INQUIRY APPOINTED BY THE PREMIER INTO THE FUNDING, ACQUISITION OR ONGOING USE OF PUBLIC FUNDS BY ANY DEPARTMENT OF STATE, PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD ANY INTEREST, AT THE INSTANCE OF THE EX-STATE PRESIDENT OR EX-MINISTER OF STATE OR EX-DEPUTY MINISTER OR ANY CIVIL SERVANT OF THE EX-REPUBLIC OF BOPHUTHATSWANA, INCLUDING THE SECURITY FORCES OR ANY EMPLOYEE OF ANY PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD INTEREST OF TRANSACTIONS OR PROJECTS OF ANY STATE DEPARTMENT AS WELL AS PARASTATALS OR COMPANIES IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD ANY INTEREST ON ANY PROPERTY (MOVABLE OR IMMOVABLE) OR ASSET WHEREVER SITUATED BELONGING TO (OR WHICH MIGHT HAVE BEEN DISPOSED OF BY) THE EX-STATE PRESIDENT OR EX-MINISTER OF STATE OR EX-DEPUTY MINISTER OR ANY CIVIL SERVANT OF THE EX-REPUBLIC OF BOPHUTHATSWANA, INCLUDING THE SECURITY FORCES OR ANY EMPLOYEE OF ANY PARASTATAL OR COMPANY IN WHICH THE EX-GOVERNMENT OF BOPHUTHATSWANA HAS OR HAS HAD A DIRECT OR INDIRECT INTEREST.

1. It is hereby notified for general information that the Premier has been pleased to amend, by virtue of the powers vested in him under section 147(1)(d) of the Constitution of the Republic of South Africa Act, 1993 (Act 200 of 1993) the terms of reference of the Commission of Inquiry appointed by him into the funding, the acquisition or the ongoing use of public funds by any Department of State, parastatal or company in which the ex-Government of Bophuthatswana has or has had any interest at the

instance of the ex-State President or ex-Minister of State or ex-Deputy Minister or any civil servant of the ex-Republic of Bophuthatswana, including the security forces or any employee of any parastatal or company in which the ex-Government of Bophuthatswana has or has had any interest of transactions or projects of any Department of State as well as parastatals or companies in which the ex-Government of Bophuthatswana has or has had any interest on any property (movable or immovable) or asset, wherever situated, belonging to the ex-State President or ex-Minister of State or ex-Deputy Minister or any civil servant of the ex-Republic of Bophuthatswana, including the security forces or any employee of any parastatal or company in which the ex-Government of Bophuthatswana has or has had any interest of transactions or projects of any Department of State as well as parastatals or companies in which the ex-Government of Bophuthatswana has or has had a direct or indirect interest (hereinafter referred to as the Commission), which terms of reference are contained in Proclamation No. 10 of 1994, to the extent that the Commission is to investigate and enquire into and ascertain -

- (a) the nature, scope and extent of the corrupt or improper acquisition or improvement or maintenance of any asset of whatever nature (movable or immovable), including any direct or indirect interest in any property, business or undertaking of whatever nature and wherever situated by:

- (i) the State President of the former Republic of Bophuthatswana;
- (ii) any Minister or Deputy Minister of the former Republic of Bophuthatswana;
- (iii) any civil servant of the Government of the former Republic of Bophuthatswana;

- (iv) any employee of any parastatal of the former Republic of Bophuthatswana;
  - (v) any employee of a company in which the former Government of the Republic of Bophuthatswana has or has had an interest; or
  - (vi) any member of the Security force of the former Republic of Bophuthatswana;
- (b) the nature, scope and extent of funds used or being used in respect of such assets;
- (c) the disposition of such assets;
- (d) the nature, scope and extent of public funds used or being used to improperly benefit, directly or indirectly out of any transaction, dealing or project any person referred to in 1(a) above;
- (e) steps taken by the Auditor-General to detect and report such funding, acquisition, improvement, interest, disposition or benefit;
- (f) steps taken by any official to report to the appropriate authorities any such funding, acquisition, improvement, interest, disposition or benefit;
- (g) generally on any aspects related to the above, and to make its findings and recommendations in connection with the aforesaid matters.

2. The term "public funds" shall, for the purposes of determining the extent of the Commission's terms of reference, include funds of whatever nature, used or appropriated by a parastatal or company in which the State has or has had a direct or indirect interest.

Given under my hand on the .... day of September, 1994 at Mmabatho.

Signed: .....

P.S. MOLEFE

PREMIER OF THE NORTH WEST PROVINCE.





