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PROCLAMATION

PROKLAMASIE

INHOUD

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PROCLAMATION*by the**President of the Republic of South Africa***R. No. 55, 2002****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 Saron Local Council, Weskus District Council, Calitzdorp Municipality, Worcester Municipality and Robertson Municipality (hereinafter referred to as the "Councils and Municipalities");

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 Premier of the Western 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. 118 of 31 July 2001 and determine that, for the purposes of the investigation of these matters, the terms of reference of the

Special Investigating Unit, which has the powers, duties and functions assigned to or conferred upon it by the Act, are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Councils and the Municipalities;
 - (b) improper or unlawful conduct by employees of the Councils and the Municipalities;
 - (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 Councils and the Municipalities;
 - 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 January 1993 and the date of publication of this Proclamation.

Given under my Hand at Cape Town this Eighteenth day of June Two thousand and two.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

L. N. SISULU

Minister of the Cabinet

SCHEDULE

A. SARON LOCAL COUNCIL

1. The unlawful, unauthorised and/or irregular payments made to members and employees of the Management Board of the Council.
2. The irregular settlement proposal that was made to former members and employees of the Management Board of the Council.
3. The failure by the Management Board of the Council to keep and maintain proper financial records.
4. The irregular and/or unlawful awarding of tenders and/or the failure to keep tender records contrary to tender procedures.
5. The irregular, unauthorised and/or unlawful deposit of money belonging to the Council in the personal bank account of a member of the Management Board of the Council.
6. The failure of the Council to recover due debts in respect of a loan made by the Council to "Saron Boerdery".
7. The irregular tendering by members of the Management Board of the Council to build the Saron Holiday Resort.
8. The unlawful, unauthorised and/or irregular allocation of communal land to the "Calvynse Protestantse Kerk", Board members and their families by the Management Board of the Council.
9. The irregular termination of contracts of lease by the Council during April 1996.
10. The irregular delay of the Council to transfer properties since 1995.

11. The failure by the Council to make VAT-payments to the South African Revenue Services.
12. The unlawful, unauthorised and/or irregular loans granted by the Council to members of the Council.

B. WESKUS DISTRICT COUNCIL

1. The irregular and/or unauthorised expenditures incurred by the Council during the 1994/1995 financial year.

2. The irregular and/or unauthorised expenditures incurred by the Council relating to the Ganzekraal project.

3. The irregular and/or unauthorised payment of pensions to former members of the Council.

4. The failure by the Council to collect income tax from officials in the employment of the Council and to pay it over to the South African Revenue Services.

C. CALITZDORP MUNICIPALITY

1. The failure by the Municipality to recover due debts in respect of building materials supplied to owner-builders.

2. The failure by the Municipality to recover advances made to home owners.

3. The failure by the Municipality to keep a Fixed Asset Register.

4. The failure by the Municipality to account for rebates in respect of housing projects.

5. The irregular payment by the Municipality of subsidies to owner builders.

6. The irregular payment by the Municipality of emergency loans.

7. The lack of control by the Municipality in respect of expenditures relating to capital projects.

8. Irregularities regarding tender procedures during the 1993/1994 and 1995 and 1996 financial years.

9. The losses suffered by the Municipality due to the irregular and/or unauthorised failure to collect and write off debts during the 1995/1996 financial year.

D. WORCESTER MUNICIPALITY

1. The losses suffered by the Municipality due to the irregular and/or unauthorised failure to collect and write off debts.

2. The failure of the Municipality to impose and collect fines in respect of damaged pre-paid electricity meters and to recover outstanding amounts in connection therewith.

3. The irregular and/or fruitless expenditure incurred by the Municipality in respect of a new computer system project.

4. The failure by the Municipality to maintain and keep an Asset Register.

5. The failure by the Municipality to recover rates and taxes and other monies due to the Municipality.

6. The failure by the Municipality to maintain a valuation roll for properties within the Municipality.

7. Irregularities by the Municipality regarding loan agreements in respect of three external loans in the 1997/1998 financial year.

8. The failure by the Municipality to sign mortgage documents and effect the transfer of property in respect of 58 official residences.
9. The failure by the Municipality to account for a capital subsidy of R3 337 500, 00 claimed from the Independent Development Trust Fund.
10. The failure by the Municipality to account to the South African Revenue Services for tax and VAT.

E. ROBERTSON MUNICIPALITY

1. The losses suffered by the Municipality due to the irregular and/or unauthorised failure to collect and write off debts.
2. The failure of the Municipality to keep and maintain an Asset Register.
3. The failure by the Municipality to reconcile the rateable valuation of the properties within the Municipal area and the failure to recover correctly rated levies and charges.
4. The failure by the Municipality to maintain proper stock reports and compile financial plans.
5. The failure of the Municipality to enter into formal lease agreements with tenants in council properties and the failure to recover rent from tenants.

PROKLAMASIE

van die

President van die Republiek van Suid-Afrika

No. R. 55, 2002

WET OP SPESIALE ONDERSOEKKEENHED EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHED NA BESTAANDE SPESIALE ONDERSOEKKEENHED EN SPESIALE TRIBUNALE

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekkeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Saron Plaaslike Raad, Weskus Distrikraad, Calitzdorp Munisipaliteit, Worcester Munisipaliteit en Robertson Munisipaliteit (hierna "die Rade en Munisipaliteite" 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, en na oorleg met die Premier van die Wes-Kaap, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekkeenheid en vir beregting van beregbare siviele geskille voortspruitend uit sodanige ondersoek na die Spesiale Tribunale ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en

bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersekekeenheid, wat die bevoegdhede, pligte en werksaamhede het wat deur die Wet toegewys of opgedra is, is om soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleentheid van die Rade en die Munisipaliteite;
- (b) onbehoorlike of onreëlmatige optrede deur werknemers van die Rade en die Munisipaliteite;
- (c) onreëlmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatregel of praktyk wat op Staats-eiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) korrupsie in verband met die sake van die Rade en die Munisipaliteite; 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 Januarie 1993 en die datum van publikasie van hierdie Proklamasie.

Gegee onder my Hand te Kaapstad op hede die Agtiende dag van Junie Tweeduisend-en-twee.

T. M. MBEKI

President

Op las van die President-in-Kabinet:

L. N. SISULU

Minister van die Kabinet

A. SARON PLAASLIKE RAAD

BYLAE

1. Die onregmatige, ongemagtigde en/of onreëlmatige betalings gemaak aan lede en werknemers van die Bestuursraad van die Raad.
2. Die onreëlmatige skikkingsvoorstel wat gemaak was aan voormalige lede en werknemers van die Bestuursraad van die Raad.
3. Die versium van die Bestuursraad van die Raad om behoorlike rekenkundige rekords by te hou en in stand te hou.
4. Die onreëlmatige en/of onregmatige toekenning van tenders en/of die versium om tender rekords by te hou in stryd met tender voorskrifte.
5. Die onreëlmatige, ongemagtigde en/of onregmatige deponering van geld wat aan die Raad behoort in die persoonlike bankrekening van 'n lid van die Bestuursraad van die Raad.
6. Die versium van die Raad om verskuldigde skulde ten opsigte van 'n lening wat deur die Raad aan Saron Boerdery gemaak is in te verder.
7. Die onreëlmatige tender deur lede van die Bestuursraad van die Raad om die Saron Vakansie Oord te bou.
8. Die onregmatige, ongemagtigde en/of onreëlmatige toekenning van gemeenskapsgrond aan die "Calvynse Protestantse Kerk", raadslede en hul families deur die Bestuursraad van die Raad.
9. Die onreëlmatige kanselering van huurkontrakte deur die Raad gedurende April 1996.

10. Die onreëlmatige verdragging deur die Raad om sedert 1995 eiendom oor te dra.
 11. Die versium deur die Raad om BTW betalings aan die Suid Afrikaanse Inkomstediens te maak.
 12. Die onreëlmatige, ongemagtigde en/of onreëlmatige toekenning van lenings deur die Raad aan lede van die Raad.
- B. WESKUS DISTRIKSRaad**
1. Die onreëlmatige en/of ongemagtigde uitgawes aangegaan deur die Raad gedurende die 1994/1995 finansieël jaar.
 2. Die onreëlmatige en/of ongemagtigde uitgawes aangegaan deur die Raad ten opsigte van die Ganszeakraal projek.
 3. Die onreëlmatige en/of ongemagtigde betaling van pensioene aan voormalige lede van die Raad.
 4. Die versium van die Raad om inkomstebelasting van beamptes in diens van die Raad in te vorder en aan die Suid Afrikaanse Inkomstediens oor te betaal.
- C. CALITZDORP MUNISIPALITEIT**
1. Die versium deur die Munisipaliteit om verskuldigde skulde ten opsigte van boumateriaal wat aan eienaar- bouers voorsien is in te vorder.
 2. Die versium deur die Munisipaliteit om voorskotte gemaak aan huiseienaars in te vorder.
 3. Die versium deur die Munisipaliteit om 'n Vaste Bateregister by te hou.
 4. Die versium deur die Munisipaliteit om rekenskap te gee van korting wat toegestaan is

ten opsigte van behuisingprojekte.

5. Die onreëlmatige betaling van subsidies deur die Munisipaliteit aan eienaar-bouers.

6. Die onreëlmatige betaling van noodlenings deur die Munisipaliteit.

7. Die gebrek aan kontrole deur die Munisipaliteit ten opsigte van uitgawes wat verband hou met kapitale projekte.

8. Onreëlmatighede rakende tender prosedures gedurende die 1993/1994 en 1995 en 1996 finansiële jare.

9. Die verliese wat deur die Munisipaliteit gely is as gevolg van die onreëlmatige en/of ongemagtigde versuim om skulde in te vorder en af te skryf gedurende die 1995/1996 finansiële jaar.

D. WORCESTER MUNISIPALITEIT

1. Die verliese wat deur die Munisipaliteit gely is as gevolg van die onreëlmatige en/of ongemagtigde versuim om skulde in te vorder en af te skryf.

2. Die versuim deur die Munisipaliteit om boetes ten opsigte van beskadigde vooruitbetaalde elektrisiteit meters te hef en in te vorder en om uitstaande bedrae ten opsigte daarvan in te vorder.

3. Die onreëlmatige en/of vrugtelose uitgawes aangegaan deur die Munisipaliteit ten opsigte van 'n nuwe rekenaar sisteem projek.

4. Die versuim van die Munisipaliteit om 'n Bateregister in stand te hou en by te hou.

5. Die versuim van die Munisipaliteit om tariewe en belasting en ander gelde verskuldig aan die Munisipaliteit in te vorder.

6. Die versum van die Munisipaliteit om 'n waardasielys van eiendomme binne die Munisipaliteit in stand te hou.
 7. Onreëlmatighede deur die Munisipaliteit in verband met leningsooreenkomste ten opsigte van drie eksterne lenings in die 1997/1998 finansiële jaar.
 8. Die versum van die Munisipaliteit om verband dokumente te teken en eiendomsoordrag te bewerkstellig ten opsigte van 58 offisiële eiendomme.
 9. Die versum om rekenskap te gee van 'n kapitale subsidie van R 3 337 500, 00 wat geëis is van die Onafhanklike Ontwikkelings Trust Fonds.
 10. Die versum van die Munisipaliteit om rekenskap aan die Suid Afrikaanse Inkomstediens te gee van belasting en BTW.
- E. ROBERTSON MUNISIPALITEIT**
1. Die verliese wat deur die Munisipaliteit gely is as gevolg van die onreëlmatige en/of ongemagtigde versum om skulde in te Vorder en af te skryf.
 2. Die versum van die Munisipaliteit om 'n Bateregister by te hou en in stand te hou.
 3. Die versum van die Munisipaliteit om die eiendomsbelastingvaluasie van die eiendomme binne die munisipale gebied te rekonsilieer en die versum om korrekte geskatte heffings en vorderings te verhaal.
 4. Die versum van die Munisipaliteit om behoorlike voorraad opgawes in stand te hou en finansiële planne op te stel.
 5. Die versum van die Munisipaliteit om formele huurooreenkomste met huurders van munisipale eiendomme aan te gaan en die versum om huur van die huurders te verhaal.

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