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PROCLAMATION**by the****PRESIDENT of the REPUBLIC of SOUTH AFRICA****R. 70, 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 Tsantsabane and Kgatelopele Municipalities in the Northern Cape Province (herein after referred to as "the 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 Northern Cape Province, refer the matters in the Schedule for investigation to the Special Investigating Unit 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, are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Municipalities;
- (b) improper or unlawful conduct by officials of 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 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 1996 and the date of publication of this Proclamation and to exercise or perform all the functions and powers assigned to or conferred upon the said Special Investigating Unit by the said Act in relation to the said matters.

Given under my Hand at Pretoria this Ninth day of September Two thousand and two.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

P. M. MADUNA

Minister of the Cabinet

SCHEDULE**A. TSANTSABANE MUNICIPALITY**

1. The unlawful, improper and/or irregular claims made by the Councillors of the Municipality in respect of subsistence, travelling and accommodation allowances and the subsequent payment thereof by the Municipality.
2. The failure by the Municipality to keep proper financial records.
3. The unlawful, improper and/or irregular payments that were made by the Municipality to Councillors and employees of the Municipality as advances on salaries and as remuneration for leave not taken.
4. The failure of the Municipality to recover loans and to collect due revenue in the form of rates, taxes and other debts.

B. KGATELOPELE MUNICIPALITY

1. The failure by the Municipality to keep proper financial records.
2. The failure of the Municipality to recover loans and to collect due revenue in the form of rates, taxes and other debts
3. The failure by the Municipality to pay PAYE tax, deducted from employees' salaries, over to the South African Revenue Service.
4. The failure by the Municipality to submit VAT returns to the South African Revenue Service.

PROKLAMASIE**van die****PRESIDENT van die REPUBLIEK van SUID-AFRIKA****R. 70, 2002****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 Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Tsantsabane en Kgatelopele Munisipaliteite in die Noord-Kaap Provinsie (hierna die "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 Noord-Kaap Provinsie, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenheid 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 Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Munisipaliteite;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Munisipaliteite;

- (c) onregmatige bewilliging of besteding van publieke geld of eiendom;
- (d) onwettige, onreëlmatige of nie-goedgekeurde verkrygende handeling, transaksie, maatreël of praktyk wat op Staatseiendom betrekking het;
- (e) opsetlike of nalatige verlies van publieke geld of skade aan publieke eiendom;
- (f) korrupsie in verband met die sake van 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 1996 en die datum van publikasie van hierdie Proklamasie en om die bevoegdhede en werksaamhede wat deur die Wet aan die Spesiale Ondersoekkeenheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede.

Gegee onder my Hand te Pretoria op hede die Negende dag van September Tweeduisend-en-twee.

T. M. MBEKI

President

Op las van die President-in-Kabinet:

P. M. MADUNA

Minister van die Kabinet

BYLAE**A. TSANTSABANE MUNISIPALITEIT**

1. Die onwettige, onbehoorlike en/of onreëlmatige eise wat gemaak is deur die Raadslede van die Munisipaliteit ten opsigte van reis-, verblyf- en akkomodasie toelaes en die daaropvolgende uitbetaling daarvan deur die Munisipaliteit.
2. Die versuim van die Munisipaliteit om behoorlike finansiële rekords by te hou.
3. Die onwettige, onbehoorlike en/of onreëlmatige betalings wat deur die Munisipaliteit gemaak is aan Raadslede en werknemers van die Munisipaliteit as voorskotte op salarisse en vergoeding vir verlof wat nie geneem is nie.
4. Die versuim van die Munisipaliteit om lenings te verhaal en om verskuldigde inkomste in die vorm van diensgelde, belasting en ander skulde in te vorder.

B. KGATELOPELE MUNISIPALITEIT

1. Die versuim van die Munisipaliteit om behoorlike finansiële rekords by te hou.
2. Die versuim van die Munisipaliteit om lenings te verhaal en om verskuldigde inkomste in die vorm van diensgelde, belasting en ander skulde in te vorder.
3. Die versuim van die Munisipaliteit om LBS belasting, wat van werknemers se salarisse afgetrek is, aan die Suid-Afrikaanse Ontvanger van Inkomste oor te betaal.
4. Die versuim van die Munisipaliteit om BTW opgawes by die Suid-Afrikaanse Ontvanger van Inkomste in te dien.

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