

PROCLAMATION*by the**President of the Republic of South Africa***No. R. 50, 2004****SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTER 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 Quakeni Municipality in the Eastern Cape Province (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality suffered losses that may be recovered;

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 at the request of the Premier of the Eastern 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 Municipality;
- (b) improper or unlawful conduct by officials of the Municipality;
- (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 Municipality; 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 1 June 2001 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 in the Schedule, for the purpose of the recovery of any losses suffered by the Municipality.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifteenth day of October Two thousand and four.

T. A. MANUEL
Acting President

By Order of the President-in-Cabinet:

B. S. MABANDLA
Minister of the Cabinet

SCHEDULE

1. Legal costs and other costs incurred by the Municipality as a result of the unlawful dismissal of the Mayor, the Speaker and five Executive Committee Members of the Municipality by the Council of the Municipality.
2. The failure by the Municipality to comply with prescribed procedures and applicable legislation in relation to personnel matters.
3. The failure by the Municipal Manager and employees of the Municipality to exercise proper financial control.
4. The withdrawal of funds from the Municipality's bank account by Councillors of the Municipality, without authorisation.
5. The non-compliance with prescribed procurement and tender procedures by the Municipality.
6. The alienation of immovable property of the Municipality without the necessary authorisation and contrary to prescribed procedures.
7. The failure to administer the affairs of the Municipality in accordance with the provisions of applicable legislation and general accepted practices.