

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.