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CONTENTS

No.		Page No.	Gazette No.
	PROCLAMATION		
R. 76	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing Special Investigating Unit and Special Tribunal	3	33865

INHOUD

No.		Bladsy No.	Koerant No.
	PROKLAMASIE		
R. 76	Wet op Spesiale Ondersoekenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleenthede na bestaande Spesiale Ondersoekenhede en Spesiale Tribunaal.....	4	33865

PROCLAMATION*by the**President of the Republic of South Africa***No. R. 76, 2010****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) (hereinafter referred to as the "Act"), have been made in respect of the affairs of the George Local Municipality falling within the Western 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 Act, refer the matters mentioned in the Schedule, in respect of the Municipality, 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 the matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the Act, any -

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by councillors, officials and/or employees 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) offence referred to in Part 1 to 4, or section 17, 20 or 21 (in so far as it relates to the aforementioned offences) of Chapter 2 of the Prevention and Combating of Corrupt Activities Act, 2004, and which offences were committed 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 have taken place between 1 January 2004 and the date of publication of this Proclamation or which took place prior to 1 January 2004, but are connected with or incidental to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under authority 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 Act, including recovery of any losses suffered by the Municipality, in relation to the said matters in the Schedule.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this First day of December Two thousand and ten.

J G ZUMA
President

By Order of the President-in-Cabinet:

J T RADEBE
Minister of the Cabinet

SCHEDULE

1. Losses or prejudice suffered by the Municipality as a result of unlawful conduct or irregular practices of councillors, officials or employees of the Municipality (hereinafter collectively referred to as the "Municipality's personnel") or persons or entities doing business with the Municipality, in relation to -
 - (a) payments made to or disposal of municipal land to the George Housing Agency; or
 - (b) the corrupt benefitting of the Municipality's personnel or other persons or entities as a result of the alienation of municipal property.
2. The procurement of and contracting for goods, works or services by or on behalf of the Municipality and payments made in relation thereto, in a manner that was -
 - (a) not fair, equitable, transparent, competitive or cost-effective;
 - (b) contrary to applicable -
 - (i) legislation;
 - (ii) manuals, guidelines, practice notes or instructions issued by the National Treasury or the relevant provincial treasury; or
 - (iii) manuals, codes, policies, procedures, prescripts, guidelines, instructions or practices of or applicable to the Municipality.
3. The incurrance of wasteful expenditure or expenditure not due, owing or payable by the Municipality in relation to payments made to its contractors, suppliers or service providers.

PROKLAMASIE*van die**President van die Republiek van Suid-Afrika***No. R. 76, 2010****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) (hierna na verwys as die "Wet"), gemaak is in verband met die aangeleenthede van die George Plaaslike Munisipaliteit geleë in die Wes-Kaap Provinsie (hierna na verwys as die "Munisipaliteit");

EN AANGESIEN die Munisipaliteit verliese gely het wat verhaal kan word;

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 die Wet, die aangeleenthede in die Bylae vermeld, ten opsigte van die Munisipaliteit, 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 Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur raadslede, beamptes en/of werknemers, van die Munisipaliteit;
- (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) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, in verband met die sake van die Munisipaliteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie daarvan veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Januarie 2004 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2004, maar wat verband hou met, of insidenteel is tot, die aangeleenthede vermeld in die Bylae of dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend die verhaal van enige verliese wat deur die Munisipaliteit gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Eerste dag van Desember Tweeduisend-en-tien.

J G ZUMA
President

Op las van die President-in-Kabinet:

J T RADEBE
Minister van die Kabinet

BYLAE

1. Die verliese of nadeel wat die Munisipaliteit gely het as gevolg van onregmatige optrede of onreëlmatige praktyke van raadslede, beamptes of werknemers van die Munisipaliteit (hierna gesamentlik na verwys as die "Munisipaliteit se personeel") of persone of entiteite wat besigheid met die Munisipaliteit gedoen het, met betrekking tot -
 - (a) betalings gemaak aan of die beskikking oor munisipale grond aan die "George Housing Agency"; of
 - (b) die korrupte bevoordeling van die Munisipaliteit se personeel of ander persone of entiteite as gevolg van die vervreemding van munisipale eiendom.

2. Die aanskaffing van, en kontraktering vir goedere, werke of dienste deur of namens die Munisipaliteit en betalings wat in verband daarmee gemaak is op 'n wyse wat -
 - (a) nie billik, regverdig, deursigtig, mededingend of koste-effektief was nie;
 - (b) strydig was met toepaslike -
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyksnotas of instruksies deur die Nasionale Tesourie of die toepaslike provinsiale tesourie uitgevaardig; of
 - (iii) handleidings, kodes, beleid, prosedures, voorskrifte, riglyne, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is.
3. Die opdoen van verspilte uitgawes of uitgawes wat nie opeisbaar, verskuldig of betaalbaar was nie deur die Munisipaliteit met betrekking tot betalings gemaak aan kontrakteurs, verskaffers of diensverskaffers.

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