

No. R. 9, 2004**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 Umzinyathi Regional Council (which was succeeded by Amajuba and Umzinyathi District Municipalities), the Uthungulu District Municipality and the Umtshezi Local Municipality in the KwaZulu-Natal Province (hereinafter 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 at the request of the Premier of the KwaZulu-Natal 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;
- (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 1 January 2000 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 matters.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Twenty-second day of January Two thousand and four.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

P. M. MADUNA

Minister of the Cabinet

SCHEDULE

1. The investment of funds of the Municipalities by employees of the Municipalities contrary to section 10G of the Local Government Transition Act, 1993 (Act No. 209 of 1993), and the provisions of other applicable legislation.
2. Unauthorised expenditure and/or appropriation of funds of the Municipalities by employees thereof.
3. Failure by the responsible officials and employees of the Municipalities to recover funds of the Municipalities expended or invested without authority.
4. The appointment of brokers and/or third parties to deal with funds of the Municipalities, as well as the placing of such funds at their disposal contrary to applicable legislation and/or resolutions of the respective Municipalities.