

PROCLAMATION

by the President of the Republic of South Africa

No. R. 106, 1998

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 Local Government Institutions mentioned in Column A of the Schedule (hereinafter referred to as "the Institutions");

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 Province of the Eastern Cape, refer the matters mentioned in Column B of the Schedule for investigation to the Special Investigating Unit and for adjudication of justiciable civil disputes emanating from such investigation to the Special

Tribunal established by Proclamation No. R. 24 of 14 March 1997 and determine that, for the purposes of the investigation of those 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 any of the Institutions;
- (b) improper or unlawful conduct by employees of any of the Institutions;
- (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 any of the Institutions; 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 1994 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this

Twentieth day of October, One thousand Nine hundred and Ninety-eight.

N. R. MANDELA
President

By Order of the President-in-Cabinet:

A. M. OMAR
Minister of the Cabinet

SCHEDULE

Column A: Port St Johns Transitional Local Council

Column B: The unlawful, unauthorised and/or irregular payment of allowances to councillors of the Transitional Local Council.

Column A: Seymour Transitional Local Council

Column B: 1. The unlawful, unauthorised and/or irregular payment of salaries to employees of the Transitional Local Council who have been suspended.

2. The theft and/or loss of movable property belonging to the Transitional Local Council.

3. The unlawful, unauthorised and/or irregular sale of

movable property belonging to the Transitional Local Council.

4. The unlawful, unauthorised and/or irregular possession and use of movable property belonging to the Transitional Local Council by employees of the Council and/or private individuals.
5. The abuse of Transitional Local Council telephones by employees of the Council and members of the public.
6. The unlawful, unauthorised and/or irregular awarding of building contracts by the Transitional Local Council to various businesses.
7. The unlawful, unauthorised and/or irregular payment of private debts by the Transitional Local Council.
8. The misappropriation and misuse of funds by the Transitional Local Council for purposes for which such funds were not intended.
9. The irregular occupation of immovable property of the Transitional Local Council by private individuals.
10. The irregular drawing of cash cheques of the Transitional Local Council by employees of the Council, Sterkstroom Transitional Local Council

Column A: Sterkstroom Transitional Local Council

Column B: 1. The unlawful and/or irregular payment of allowances to the Mayor of the Transitional Local Council.

2. The payment of allowances to councillors of the Transitional Local Council contrary to applicable legislation and/or directives and/or without the necessary authorisation.
3. The failure to pay and/or collect income tax on allowances of councillors of the Transitional Local Council.
4. The failure to submit tax returns in respect of VAT and PAYE to the Receiver of Revenue.
5. The failure by councillors and/or employees of the

Transitional Local Council to pay and/or collect rates and taxes or to take the necessary steps to ensure payment and/or collection of rates and taxes.

6. The failure by councillors and/or employees of the Transitional Local Council and/or persons appointed by the Council to collect debts due to the Council or to take the necessary steps to ensure collection of debts.
7. The failure by the Transitional Local Council to keep and/or maintain proper accounting and other records, registers and supporting documentation.
8. The removal of records from offices of the Transitional Local Council contrary to statutory provisions.
9. The failure by the Transitional Local Council to repay the sewerage loan granted to the Council.
10. The involvement of councillors of the Transitional Local Council with projects and their subsequent earning of additional remuneration, contrary to applicable legislation and/or directives and/or without the necessary authorisation.
11. The improper administration and management of leave of employees of the Transitional Local Council.
12. The theft and/or loss and the irregular sale of fire-arms belonging to the Transitional Local Council.
13. The unlawful and/or irregular appointment of employees of the Transitional Local Council.
14. The unlawful, unauthorised and/or irregular purchase of immovable property by the Transitional Local Council.
15. The non-compliance with the terms of the contract pertaining to the Koos Ras Game Reserve.
16. The damages incurred as a result of the shooting of game and domestic goats at the Koos Ras Game Reserve.

Column B: The unlawful, unauthorised and/or irregular awarding of a contract for the development of a Sports Stadium and a Shopping Complex in Umtata.

Column A: Whittlesea Transitional Local Council

- Column B:
1. The unlawful, unauthorised and/or irregular purchase of furniture by the Transitional Local Council for the personal use of the Town Clerk.
 2. The unlawful, unauthorised and/or irregular purchase and/or use of cellular telephones by councillors and/or employees of the Transitional Local Council.
 3. The unlawful and/or irregular appointment of personnel by the Transitional Local Council.
 4. The collection of rates and taxes contrary to the provisions of an agreement between the Transitional Local Council and the provincial Department of Local Government and Housing of the Eastern Cape.
 5. The unnecessary appointment of an attorney for purposes of misconduct inquiries.
 6. The unlawful, unauthorised and/or irregular awarding by the Transitional Local Council of a refuse removal contract.
-
-