

No. R. 52, 1999

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 and/or their predecessors in law (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 North West Province, 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 Pretoria this Fourteenth day of April One thousand Nine hundred and Ninety-nine.

N. R. MANDELA  
President

By Order of the President-in-Cabinet:

A. M. OMAR  
Minister of the Cabinet

#### SCHEDULE

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Column A

Column B

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Bloemhof Transitional Local Council

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

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Boikhutso Transitional Local Council

The theft of cash collected by the Transitional Local Council.

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Boitumelong Transitional Local Council

1. The unlawful, unauthorised and/or irregular payment of allowances to the Town Clerk of the Transitional Local Council.

2. The unlawful, unauthorised and/or irregular appointment of the Town Clerk of the Transitional Local Council.

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Brits Transitional Local Council

1. The irregular handling of the Transitional Local Council's portfolio investments by the Council.

2. The unauthorised and/or irregular appointment of a financial adviser and the improper conclusion of an agreement by the Transitional Local Council with financial brokers.

3. The theft of money belonging to the Transitional Local Council by the Wage Clerk of the Council.

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Delareyville Transitional Local Council

1. The incurring of unnecessary legal costs in relation to the institution of certain court proceedings by the Transitional Local Council.

2. The improper expenditure of funds on the development of various projects by the Transitional Local Council.

3. The improper investment in a salt venture by the Transitional Local Council.

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Groot Marico Transitional Local Council

The unlawful, unauthorised and/or irregular purchase of a fax machine by the Transitional Local Council.

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#### Kanana Transitional Local Council

The theft of money belonging to the Transitional Local Council by an administrative clerk of the Council.

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#### Khuma Transitional Local Council

1. The non-payment of rental and service charges collected by the Civic Association to the Transitional Local Council.
  2. The unlawful, unauthorised and/or irregular payment of allowances to members of the Civic Association by the Transitional Local Council.
  3. The irregular appointment of a private financial consultant by the Transitional Local Council.
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#### Lethlabile Transitional Local Council

The negligence of officials of the Transitional Local Council regarding the non-performance of a musical group.

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#### Letsopa Transitional Local Council

1. The theft of the Regional Council's development funds by the Town Clerk of the Transitional Local Council.
  2. The unlawful, unauthorised and/or irregular acquisition of sites by councillors and/or employees of the Transitional Local Council.
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#### Mabopane Transitional Representative Council

The demolition of facilities by the Transitional Representative Council for the purposes of building a filling station and the subsequent irregular

selling thereof.

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#### Mmabatho Transitional Local Council

1. The unlawful, unauthorised and/or irregular appropriation of money belonging to the Traffic Department of the Transitional Local Council by staff of that Traffic Department and/or the failure to bank such money and/or account for such money.
2. The failure by councillors and/or employees of the Transitional Local Council to collect assessment rates, service charges and/or levies or to take the necessary steps to ensure such collection.
3. The non-payment for land belonging to and/or vesting in the Transitional Local Council by a political party on which the party erected a building.
4. The unlawful, unauthorised and/or irregular sale of land belonging to and/or vesting in the Transitional Local Council to private developers.
5. The failure by the Transitional Local Council to keep proper asset registers and/or to do proper asset audits.
6. The theft of daily cash payments collected by the Transitional Local Council by the Cashier of the Council.
7. The theft of motor vehicles, computers and electronic equipment belonging to and/or vesting in the Transitional Local Council by employees of the Council.
8. The theft of firearms and ammunition belonging to and/or vesting in the Security and Traffic Department of the Transitional Local Council.

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#### Orkney Transitional Local Council

1. The fraudulent purchase of stock on behalf of the Transitional Local Council by the Head of the Electro Technical Department of the Council.
2. The improper expenditure of funds in the development of a holiday resort by the Transitional Local Council.

3. The failure to ensure a secure investment of money belonging to and/or vesting in the Transitional Local Council.

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Ottosdal Transitional Local Council

1. The irregular appointment of persons by the Transitional Local Council to run Masakhane projects.
  2. The failure by the Transitional Local Council to produce a budget for the year 1996/97.
  3. The unlawful, unauthorised and/or irregular purchase of motor vehicles and cellular telephones by the Transitional Local Council.
  4. The failure to establish and/or apply credit control mechanisms by the Transitional Local Council.
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Pampierstad Transitional Representative Council

1. The unlawful, unauthorised and/or irregular occupation of local government offices by members of the Transitional Representative Council.
  2. The unlawful, unauthorised and/or irregular use of and/or damage to property and/or facilities belonging to and/or vesting in the Transitional Representative Council by councillors and/or employees of the Council.
  3. The unlawful, unauthorised and/or irregular management of the housing subsidy development programme by councillors and/or employees of the Transitional Representative Council and/or their involvement in the development programme.
  4. The failure by the Chief Executive Officer of the Transitional Representative Council to exercise his powers and/or perform his duties in terms of applicable statutory provisions.
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#### Potchefstroom Transitional Local Council

The failure to ensure a secure investment of money belonging to and/or vesting in the Transitional Local Council in a bank.

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#### Rustenburg Transitional Local Council

1. The theft of -

(a) money allocated for salaries; and/or

(b) cash collected by the Transitional Local Council.

2. The unlawful) unauthorised and/or irregular transfer of funds of the Transitional Local Council to a private golf club by the Council.

3. The unlawful, unauthorised and/or irregular cancellation of a retention clause in a contract of donation pertaining to land belonging to and/or vesting in the Transitional Local Council and/or the subsequent sale of the land by councillors and/or developers.

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#### Stilfontein Transitional Local Council

1. The incurring of unnecessary legal costs in instituting disciplinary proceedings against the Town Clerk by the Transitional Local Council.

2. The unlawful, unauthorised and/or irregular transfer of assets belonging to and/or vesting in the Transitional Local Council for nominal amounts to private individuals by the Transitional Local Council.

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#### Tsweleng Transitional Local Council

The unlawful, unauthorised and/or irregular payment of bonuses to the Town Clerk and Treasurer of the Wolmaransstad Transitional Council by the Transitional Local Council.

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Ventersdorp Transitional Local Council

The unlawful, unauthorised and/or irregular payment of legal costs by the Transitional Local Council on behalf of employees of the Council.

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Vryburg Transitional Local Council

1. The unlawful, unauthorised and/or irregular payment of allowances to councillors of the Transitional Local Council.
2. The failure to comply with directives pertaining to the use of private vehicles for official purposes by councillors of the Transitional Local Council and the subsequent submission of claims.
3. The approval of over expenditures by the Transitional Local Council.
4. The irregular and/or improper appointment of an additional attorney to attend to legal matters of the Transitional Local Council.
5. The unlawful, unauthorised and/or irregular payment of legal costs by the Transitional Local Council on behalf of the Mayor.
6. The unauthorised removal of records from offices of the Transitional Local Council.
7. The unlawful, unauthorised and/or irregular invitation, submission and/or awarding of tenders by the Transitional Local Council.
8. The failure by councillors and/or employees of the Transitional Local Council to declare their interests in private businesses dealing with the Council.
9. The fraudulent claims submitted by councillors and/or employees of the Transitional Local Council for work done on behalf of the Council.
10. The unauthorised and/or irregular appointment of personnel by the Transitional Local Council.
11. The unlawful, unauthorised and/or irregular payments made for the



training of new appointees.

12. The unauthorised and/or irregular use of official telephones by councillors and/or employees of the Transitional Local Council.

13. The improper appropriation of funds belonging to and/or vesting in the Transitional Local Council in respect of housing loans and subsidised vehicles.

14. The theft of money pertaining to cash loans advanced on the wages of employees of the Transitional Local Council and the interest charged on such advances by the Paymaster of the Council.

15. The failure to exercise proper control management over stores of the Transitional Local Council.

16. The unlawful, unauthorised and/or irregular appropriation of funds belonging to and/or vesting in the Transitional Local Council by the Chief Executive Officer of the Council.

17. The losses suffered by the Transitional Local Council as a result of the improper management of the Huhudi Brick Project and the Sewing Project of the Council.

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Wolmaransstad Transitional Local Council

The unauthorised and/or irregular loan made to the Wolmaransstad Golf Club.

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