

No. R. 70, 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 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 or at the request of the Premiers of the Provinces in which the Institutions are located, 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 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 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 26 October 1976 and the date of publication of this Proclamation.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Third day of July One thousand Nine hundred and Ninety-eight.

T. M. MBEKI  
Acting President

By Order of the President-in-Cabinet:

A. M. OMAR  
Minister of the Cabinet

#### SCHEDULE

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Column A	Column B
Bedford Transitional	1. The payment of allowances to councillors of the Local Council Transitional Local Council contrary to applicable legislation and/or directives and/or without the necessary authorisation.  2. 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 the payment and/or the collection of rates and taxes.
Cala Transitional Local Council	1. The misappropriation and misuse of funds by councillors and/or employees of the Transitional Local Council for purposes for which such funds were not intended.

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2. The failure to collect payments for erven sold.
3. The payment of allowances to councillors of the Transitional Local Council contrary to applicable legislation and/or directives and/or without the necessary authorisation.
4. 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 the payment and/or the collection of rates and taxes.

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Cofimvaba Transitional Local Council

1. Missing funds which the Transitional Local Council cannot account for.

2. The use of several bank accounts at different banks in various towns in the Eastern Cape and the non disclosure of such accounts to the auditors.
3. The failure to keep proper financial and accounting records.
4. The failure to implement proper internal control and checking measures.
5. The invalid sale of certain immovable property.
6. 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 the payment and/or the collection of rates and taxes.

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Despatch Transitional Local Council

1. The payment of allowances to councillors of the Transitional Local Council contrary to applicable legislation and/or directives and/or without the necessary authorisation.

2. The unauthorised and/or irregular purchase

of cellular phones by the Transitional Local Council.

3. 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 the payment and/or the collection of rates and taxes.

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Durban Metropolitan Council 1. The misappropriation of funds by employees of the Metropolitan Council for -

(Durban North and South Central Council) (a) the hiring of equipment on behalf of the Council at inflated prices; and

(b) the unlawful, unauthorised and/or irregular payments made for work that was not done for the Council.

2. The irregular receipt of payments by employees of the Metropolitan Council in respect of the hiring of equipment.

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Engcobo Transitional Local Council 1. The payment of allowances to councillors of the Transitional Local Council contrary to applicable legislation and/or directives and/or without the necessary authorisation.

2. The unlawful, unauthorised and/or irregular use of motor vehicles of the Transitional Local Council by councillors and/or employees for private purposes.
3. 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 the payment and/or the collection of rates and taxes.

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Hamburg Transitional 1. The misappropriation of funds by councillors

Local Council and/or employees of the Transitional Local Council for the payment of legal and survey costs on behalf of private individuals in respect of the purchase of immovable property belonging to the Transitional Local Council.

2. The invalid and/or irregular sale and/or lease of immovable property belonging to the Transitional Local Council.
3. The non-payment of rent by lessees and/or occupiers of immovable property belonging to the Transitional Local Council and the continued occupation of such property after the leases have expired.

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King William's Town Council 1. The conclusion of contracts contrary to the public interest by councillors and/or employees of the Transitional Local Council for the appointment of consultants at excessively high remuneration.

2. The unauthorised and/or irregular creation of top management posts for employees of the Transitional Local Council.
3. The unauthorised and/or irregular payment of transport allowances to employees of the Transitional Local Council.
4. The unauthorised and/or irregular purchase of cellular phones by the Transitional Local Council.

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Komga Transitional Local Council The misappropriation of funds. allocated to the Transitional Local Council by the Cape Provincial Administration to aid a development project at Thembaletu Peace Village, by councillors and/or employees of the Transitional Local Council.

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Klipplaat Transitional Local Council 1. The failure to submit proper financial statements for the financial year ended 30 June 1996.

2. The failure to keep proper financial and accounting records for the 1995/96 financial year.
3. The failure to implement proper internal control and checking measures.
4. The payment of allowances to councillors of the Transitional Local Council contrary to applicable legislation and/or directives and/or without the necessary authorisation.
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 the payment and/or the collection of rates and taxes.

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Lusikisiki Transitional Local Council 1. The irregular sale, transfer or donation of immovable property belonging to the Transitional Local Council.

2. The unauthorised entering into contracts on behalf of the Transitional Local Council by a town clerk.
3. 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 the payment and/or the collection of rates and taxes.

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Nqamakwe Transitional Local Council 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 the payment and/or the collection of rates and taxes.

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Port St John's Transitional Local Council

1. The invalid and/or irregular sale and/or lease of immovable property belonging to the Transitional Local Council.

2. 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 the payment and/or the collection of rates and taxes.

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Qumbu Transitional Local Council

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 the payment and/or the collection of rates and taxes.

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Sterkspruit Transitional Local Council

1. The misappropriation of funds by councillors and/or employees of the Transitional Local Council by -

- (a) the entering of false amounts on duplicate receipts in respect of moneys paid to the Transitional Local Council for service charges and the subsequent theft of money; and
- (b) payments made to people no longer employed by the Transitional Local Council.

2. 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 the payment and/or the collection of rates and taxes.

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Tsomo Transitional Local Council

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 the payment and/or the collection of rates and taxes.

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Umtata Transitional Local Council    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 the payment and/or the collection of rates and taxes.

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