PROCLAMATIONS • PROKLAMASIES

PROCLAMATION 185 OF 2024

by the

PRESIDENT of the REPUBLIC of SOUTH AFRICA

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT: DAWID KRUIPER LOCAL MUNICIPALITY

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 Dawid Kruiper Local Municipality (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality or the State suffered losses that may be recovered;

AND WHEREAS I deem it necessary that the said allegations should be investigated and civil proceedings 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 alleged—

(a) serious maladministration in connection with the affairs of the Municipality;

(b) improper or unlawful conduct by the employees or officials 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 Parts 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 (Act No. 12 of 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 took place between 1 January 2010 and the date of publication of this Proclamation or which took place prior to 1 January 2010 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary 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 the recovery of any losses suffered by the Municipality or the State, 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 23rd day of August Two thousand and twenty four.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

T Simelane
Minister of the Cabinet

SCHEDULE

1. The procurement of or contracting for the—

(a) appointment of external security services in terms of TN020/2020;

(b) acquisition of security services from private security companies from December 2019 to 2 December 2020;

(c) appointment of advocates and law firms between 2010 and 2020;

(d) appointment of a service provider to supply and construct clear view fencing between 2018 and 2019;

(e) hire of a tractor-loader-backhoe (yellow plant) and a tipper truck for 30 days on

27 August 2017 for the development of dump sites in Askham, Welkom, Klein en Groot Mier and Rietfontein;

(f) procurement of loggers for measuring flows and pressures in pipelines and for the ACIP project from a firm of consulting engineers in 2014 and 2015 respectively;

(g) appointment of a service provider on 10 July 2013 to gather data for financial statements;

(h) appointment of service providers on 1 December 2017 for the hire of sound and stage for the Kersliggies event;

(i) construction of internal roads in Rosedale in terms of TN035/2019;

(j) upgrading of internal streets in Loubos in terms of TN001/2020;

(k) construction of a new Louisvale Road Sewerage Pump Station in terms of TN010/2019;

(l) construction of internal streets in Klein Mier in terms of TN011/2019;

(m) paving of streets on Louisvale Road in terms of TN009/2018;

(n) electrification of 1 000 houses on Paballelo and Dakota Road in terms of TN016/2018;

(o) repair and re-surface of CBD roads in terms of TN099/2018;

(p) construction of sports fields in terms of TN031/2015 and TN001/2016;

(q) construction of Leseding access road in terms of TN045/2015;

(r) planning, design and project management of various parks' grounds in the municipal area in terms of TN032/2015;

(s) designing of civil services for Rosedale, Paballelo, Louisvale Road and Dakota Road in terms of TN065/2013;

(t) compilation of an immovable asset register in terms of TN017/2011;

(u) resealing of a road surface in terms of TN001/2012;

(v) construction of a bridge between Paballelo and Rosedale in terms of TN036/2012;

(w) appointment of consultants and contractors in terms of tender numbers MIG 1362, MIG 1114, MIG 1165, MIG 1320 and MIG3/14/2; and

(x) construction of four community sports facilities at Dakota Road, Paballelo, Rainbow and Rosedale in terms of TN027/2013,

by or on behalf of the Municipality, and payments made in respect thereof in a manner that was—

(i) not fair, equitable, transparent, competitive or cost-effective; or

(ii) contrary to applicable—

(*aa*) legislation;

(*bb*) manuals, guidelines, practice notes, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or

(*cc*) manuals, policies, procedures, prescripts, instructions or practices of, or applicable to the Municipality,

and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality or the State.

2. Any unlawful or improper conduct by the employees or officials of the Municipality or applicable service providers, or any other person or entity in relation to the allegations set out in paragraph 1 of this Schedule.

PROKLAMASIE 185 VAN 2024

van die

PRESIDENT van die REPUBLIEK van SUID AFRIKA

WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID: DAWID KRUIPER PLAASLIKE MUNISIPALITEIT

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 Dawid Kruiper Plaaslike Munisipaliteit (hierna na verwys as "die Munisipaliteit");

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

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en 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 die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

(a) ernstige wanadministrasie in verband met die aangeleenthede van die Munisipaliteit;

(b) onbehoorlike of onregmatige optrede deur beamptes 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

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Voorkoming en Bestryding van Korrupte Bedrywighede, 2004 (Wet No. 12 van 2004), en welke misdrywe gepleeg is 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 2010 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2010 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al 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 of die Staat gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 23ste dag van Augustus Twee duisend-en- vier-en-twintig.

CM Ramaphosa
President

Op las van die President-in-Kabinet
T Simelane
Minister van die Kabinet

BYLAE

1. Die aanskaffing van, of kontraktering vir die—

(a) aanstelling van eksterne sekuriteitsdienste ingevolge TN020/2020;

(b) verkryging van sekuriteitsdienste van privaat sekuriteitsmaatskappye vanaf Desember 2019 tot 2 Desember 2020;

(c) aanstelling van advokate en regsfirmas tussen 2010 en 2020;

(d) aanstelling van ‘n diensverskaffer om helder-uitsig omheining te verskaf en op te rig, tussen 2018 en 2019;

(e) huur van ‘n trekker-laaier-terugskoffel (geel toerusting) en ‘n wipvragwa vir 30 dae op 27 Augustus 2017 vir die ontwikkeling van stortingsterreine in Askham,

Welkom, Klein en Groot Mier en Rietfontein;

(f) verkryging van aantekenaars vir die meet van vloei en druk in pyplyne en vir die ACIP projek van ‘n firma van raadgewende ingenieurs in 2014 en 2015, onderskeidelik;

(g) aanstelling van ‘n diensverskaffer op 10 Julie 2013 om data in te samel vir finansiële state;

(h) aanstelling van diensverskaffers op 1 Desember 2017 vir die huur van klank en verhoogtoserusting vir die Kersliggies geleentheid;

(i) kontruksie van interne paaie in Rosedale ingevolge TN035/2019;

(j) opgradering van interne paaie in Loubos ingevolge TN001/2020;

(k) konstruksie van ‘n nuwe Louisvalestraat Rioolpompstasie ingevolge TN010/2019;

(l) kontruksie van interne paaie in Klein Mier ingevolge TN011/2019;

(m) plavei van strate op Louisvalestraat ingevolge TN009/2018;

(n) elektrifisering van 1 000 huise in Paballelo en Dakotastraat ingevolge TN016/2018;

(o) herstel en hervlakking van stadskern paaie ingevolge TN099/2018;

(p) konstruksie van sportgronde ingevolge TN031/2015 en TN001/2016;

(q) konstruksie van Leseding toegangspad ingevolge TN045/2015;

(r) beplanning, ontwerp en projekbestuur van verskeie parke se terrein in die munisipale gebied ingevolge TN032/2015;

(s) ontwerp van siviele dienste vir Rosedale, Paballelo, Louisvalestraat en Dakotastraat ingevolge TN065/2013;

(t) saamstel van ‘n onroerende bates-register ingevolge TN017/2011;

(u) herseël van ‘n padoppervlakte ingevolge TN001/2012;

(v) konstruksie van ‘n brug tussen Paballelo en Rosedale ingevolge TN036/2012;

(w) aanstelling van konsultante en kontrakteurs ingevolge tendernommers MIG 1362, MIG 1114, MIG 1165, MIG 1320 en MIG3/14/2; en

(x) konstruksie van vier gemeenskapssportfasiliteite te Dakotastraat, Paballelo, Rainbow en Rosedale ingevolge TN027/2013,

deur of namens die Munisipaliteit en betalings ten opsigte daarvan gemaak op 'n wyse wat—

(i) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of

(ii) strydig was met toepaslike—

(*aa*) wetgewing;

(*bb*) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die betrokke Provinsiale Tesourie uitgevaardig is; of

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(*cc*) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur die Munisipaliteit, of verliese wat gely is, deur die Munisipaliteit of Staat.

2. Enige onwettige of onbehoorlike gedrag deur werknemers of beamptes van die Munisipaliteit of toepaslike diensverskaffers, of enige ander person of entiteit, met betrekking tot die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.