

PROCLAMATION 195 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: EKURHULENI
METROPOLITAN MUNICIPALITY**

WHEREAS allegations as contemplated in section 2(2) of the Special Investigating Units and Special Tribunals Act, 1996 (Act No. 74 of 1996) ("the Act"), have been made in respect of the affairs of the Ekurhuleni Metropolitan Municipality, situated in Boksburg, Gauteng ("the Municipality");

AND WHEREAS the Municipality or the State may have 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 officials or employees of the Municipality;
- (c) unlawful appropriation or expenditure of public money;
- (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 2002 and the date of publication of this Proclamation or which took place prior to 1 January 2002 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, , and to perform such functions which are not in conflict with the provisions of the Act, as the President may from time to time request.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this 10th day of September Two thousand and twenty four.

MC Ramaphosa

President

By Order of the President-in-Cabinet:

T Simelane

Minister of the Cabinet

SCHEDULE

1. Serious maladministration in connection with the affairs of the Municipality relating to 229 transfers of 221 vacant stands owned by the Municipality in the Villa Liza township, situated in Boksburg, Gauteng, as identified in “**Annexure A**” hereto, by or on behalf of the Municipality in a manner that was—

- (a) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, policies, procedures, practice notes, instructions, prescripts or practices of, or applicable to, the Municipality;
 - (b) conducted by or facilitated through the unlawful or improper conduct of—
 - (i) employees, officials or agents of the Municipality; and
 - (ii) any other person or entity, to corruptly or unduly benefit themselves or others; and
 - (c) fraudulent,
- including the causes of such maladministration and any losses, damages or prejudice actually or potentially suffered by the Municipality or the State in relation thereto.

2. Any irregular, improper or unlawful conduct by—

- (a) employees or officials of the Municipality; or
 - (b) any other person or entity,
- in relation to the allegations set out in paragraph 1 of this Schedule.

PROKLAMASIE 195 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: EKURHULENI METROPOLITAANSE MUNISIPALITEIT**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheide en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) ("die Wet"), gemaak is in verband met die aangeleenthede van die Ekurhuleni Metropolitaanse Munisipaliteit ("die Munisipaliteit");

EN AANGESIEN die Staat of die Munisipaliteit 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, maatreef 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 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 2002 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Januarie 2002 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, insluitend die verhaal van enige verliese wat deur die Munisipaliteit of die Staat gely is uit te oefen of te verrig in verband met die genoemde aangeleenthede, en om sodanige werksaamhede uit te oefen wat nie in stryd met die bepalinge is nie, soos wat die President van tyd tot tyd mag versoek.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die 10de dag van September Tweeduisend vier-en-twintig.

MC Ramaphosa

President

Op las van die President-in-Kabinet:

T Simelane

Minister van die Kabinet

BYLAE

1. Ernstige wanadministrasie in verband met die sake van die Munisipaliteit met betrekking tot 229 oordragte van 221 leë erwe wat besit is deur die Munisipaliteit in die Villa Liza dorpsgebied, geleë te Boksburg, Gauteng, soos uiteengesit in “**Aanhangsel A**” hiertoe, deur of namens die Munisipaliteit op ‘n wyse wat—

(a) strydig is met toepaslike—

(i) wetgewing;

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

(b) uitgevoer of gefasiliteer deur die onregmatige of onbehoorlike gedrag van—

(i) werknemers, beamptes of agente van die Munisipaliteit; en

(ii) enige ander persoon of entiteit,

om op korrupte of onbehoorlike wyse vir hulself of ander persone voordeel daaruit te trek; en

(c) bedrieglik,

met inbegrip van die oorsake van sodanige wanadministrasie en enige verliese, skade of daadwerklike of potensiële skade deur die Munisipaliteit of die Staat daardeur gely.

2. Enige onreëlmatige, onbehoorlike of onwettige optrede deur—

(a) werknemers of beamptes van die Munisipaliteit; of

(b) enige ander persoon of entiteit,

ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.

“Annexure A” / “Aanhangsel A”

No	Erf No	No	Erf No	No	Erf No	No	Erf No	No	Erf No	No	Erf No	No	Erf No
1	58	37	518	73	1212	109	014/193	145	203/193	181	319/193	217	557/193
2	122	38	519	74	1213	110	016/193	146	204/193	182	323/193	218	570/193
3	146	39	558	75	1227	111	017/193	147	205/193	183	324/193	219	605/193
4	162	40	571	76	1228	112	018/193	148	207/193	184	331/193	220	606/193
5	210	41	598	77	1246	113	019/193	149	212/193	185	384/193	221	696/193
6	213	42	646	78	1252	114	020/193	150	223/193	186	394/193		
7	220	43	675	79	1257	115	021/193	151	224/193	187	395/193		
8	222	44	679	80	1275	116	022/193	152	225/193	188	397/193		
9	225	45	683	81	1472	117	023/193	153	228/193	189	398/193		
10	233	46	740	82	1480	118	042/193	154	251/193	190	399/193		
11	234	47	776	83	1481	119	043/193	155	252/193	191	404/193		
12	256	48	786	84	1482	120	065/193	156	253/193	192	405/193		
13	258	49	787	85	1483	121	071/193	157	254/193	193	406/193		
14	262	50	791	86	1488	122	074/193	158	255/193	194	408/193		
15	264	51	828	87	1490	123	075/193	159	257/193	195	411/193		
16	272	52	925	88	1492	124	095/193	160	258/193	196	412/193		
17	279	53	927	89	1493	125	096/193	161	259/193	197	413/193		
18	285	54	928	90	1494	126	097/193	162	260/193	198	414/193		
19	286	55	932	91	1499	127	109/193	163	261/193	199	415/193		
20	287	56	1000	92	1501	128	111/193	164	262/193	200	416/193		
21	292	57	1003	93	1503	129	157/193	165	263/193	201	423/193		
22	298	58	1044	94	1504	130	174/193	166	264/193	202	427/193		
23	299	59	1100	95	1505	131	175/193	167	265/193	203	428/193		
24	305	60	1126	96	1508	132	178/193	168	266/193	204	442/193		
25	313	61	1137	97	1510	133	179/193	169	267/193	205	445/193		
26	420	62	1161	98	1547	134	189/193	170	268/193	206	446/193		
27	421	63	1167	99	1548	135	191/193	171	271/193	207	459/193		
28	433	64	1168	100	1561	136	194/193	172	273/193	208	465/193		
29	453	65	1170	101	1585	137	195/193	173	275/193	209	466/193		
30	478	66	1172	102	1586	138	196/193	174	276/193	210	467/193		
31	480	67	1178	103	1600	139	197/193	175	278/193	211	472/193		
32	481	68	1183	104	004/193	140	198/193	176	284/193	212	482/193		
33	483	69	1199	105	005/193	141	199/193	177	285/193	213	522/193		
34	484	70	1200	106	007/193	142	200/193	178	286/193	214	527/193		
35	500	71	1204	107	009/193	143	201/193	179	287/193	215	528/193		
36	502	72	1210	108	013/193	144	202/193	180	288/193	216	545/193		