

PROCLAMATION 218 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 AND SPECIAL TRIBUNAL: ALFRED NZO DISTRICT 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 the Alfred Nzo District Municipality (hereinafter referred to as "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 employees 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 01 January 2015 and the date of publication of this Proclamation or which took place prior to 01 January 2015 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 14th day of October Two thousand and twenty four.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

T Simelane
Minister of the Cabinet

Schedule

1. Serious maladministration, including the causes for such maladministration, in the affairs of the Municipality in relation to—
 - (a) Implementation of Water Services Infrastructure Grant projects in Ntabankulu (Appointment of a panel of service providers, Consulting Engineers and Contractors, for the Planning, Design and Construction of Water Services Infrastructure Grant funded projects in the Alfred Nzo District Municipality - Ntabankulu Local Municipality);
 - (b) Mount Ayliff Bulk Peri Urban Water Supply (Implementation of Pump station and a reservoir);
 - (c) Servicing Mbizana Town Area with 2ML Waste Water Treatment Works and Outfall Sewer (Construction of 2ML Waste Water Treatment Works and Outfall Sewer Pipeline) Mbizana Sewer;
 - (d) Kwabhaca Regional Bulk Water Supply Scheme at Mount Frere (Construction of Water Treatment Works and other water schemes at Mount Frere Peri Urban);
 - (e) Tender No: ANDM/IDMS-PMU/131/13/06/18: Greater Mbizana Water Supply Project Phase 1A Contract 1B Village Reticulation to Ward 27: Qobo and Mfundeni;
 - (f) Tender No: ANDM/IDMS-PMU/41/23/09/19: Greater Mbizana Water Supply Project Phase 33: Implementation of Ward 4 & 27: Zone 0 Main Pipeline Contract 3B; and
 - (g) Tender No: ANDM/IDMS-PMU/133/31/01/20: Matatiele Ward 5 Water Supply Project Phase 3 Contract 3 Matolweni Secondary Mains and Reticulation, and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality.
2. Any irregular, unlawful or improper conduct by—
 - (a) officials or employees of the Municipality;
 - (b) contractor, suppliers or applicable service providers of the Municipality; or
 - (c) any other person or entity,in relation to the allegations set out in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 218 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 EN SPESIALE TRIBUNAAL: ALFRED NZO DISTRIK 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 die Alfred Nzo Distrik Munisipaliteit ("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 Ondersoekeenhede 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 Ondersoekeenhede 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 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 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 01 Januarie 2015 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 01 Januarie 2015 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 Ondersoekeenhede 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, en om sodanige werksaamhede wat nie in stryd met die bepaling van die Wet is nie, uit te oefen, soos wat die President van tyd tot tyd kan versoek.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die 14 dag van Oktober Twee duisend-en-vier-en-twintig.

MC Ramaphosa
President

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

Minister van die Kabinet**BYLAE**

1. Ernstige wanadministrasie, insluitend die oorsake van sodanige wanadministrasie, in die aangeleenthede van die Munisipaliteit met betrekking tot—
 - (a) Implementering van Water Dienste Infrastruktuur Bewilliging projekte in Ntabankulu (Aanstelling van 'n paneel van diensverskaffers, Raadgewende Ingenieurs en Kontrakteurs, vir die Beplanning, Ontwerp en Konstruksie van Water Dienste Infrastruktuur Bewilliging befonds projekte in die Alfred Nzo Distrik Munisipaliteit – Ntabankulu Plaaslike Munisipaliteit);
 - (b) Mount Ayliff Grootmaat Peri Stedelike Waterverskaffing (Implementering van Pomp stasie en 'n reservoir);
 - (c) Verskaffing Mbizana Stadsarea met 2ML Afval Water Behandeling Aanleg en Riool Uitval (Konstruksie van 2ML Afval Water Behandeling Aanleg en Riool Uitval Pyplyn) Mbizana Riool;
 - (d) Kwabhaca Streek Grootmaat Waterverskaffing Skema by Mount Frere (Konstruksie van Water Behandeling Aanleg en ander water skemas by Mount Frere Peri Stedelik);
 - (e) Tender No: ANDM/IDMS-PMU/131/13/06/18 Groter Mbizana Waterversakffing Projek Fase 1A Kontrak 1B Dorp Retikulاسie aan Wyk 27: Qobo en Mfundeni;
 - (f) Tender No: ANDM/IDMS-PMU/41/23/09/19: Groter Mbizana Waterverskaffing Projek Fase 33: Implementering van Wyk 4 & 27: Zone 0 Hoof Pyplyn Kontrak 3B; en
 - (g) Tender No: ANDM/IDMS-PMU/133/31/01/20: Matatiele Wyk 5 Water Verskaffing Projek Fase 3 Kontrak 3 Matolweni Sekondêre Hoofstroom en Retikulاسie,en enige verbandhoudende ongemagtigde, onreëlmatige of vrugtelose verspilte uitgawes wat deur die Munisipaliteit aangegaan is.
2. Enige onreëlmatige, onbehoorlike of onwettige optrede deur—
 - (a) beamptes of werknemers van die Munisipaliteit;
 - (b) kontrakteur, verskaffers of tersaaklike diensverskaffers van die Munisipaliteit; of
 - (c) enige ander persoon of entiteit,ten opsigte van die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.