

PROCLAMATION NOTICE 245 OF 2025

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: LEPELLE-NKUMPI 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), ("the Act"), have been made in respect of the affairs of the Lepelle-Nkumpi Local Municipality (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality 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—

- (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 Part 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 has taken place between 1 December 2013 and the date of publication of this Proclamation or which took place prior to 1 December 2013 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, 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 twenty-third day of December Two thousand and twenty-four.

CM Ramaphosa
President

By Order of the President-in-Cabinet:

M T Kubayi
Minister of the Cabinet

SCHEDULE

1. The procurement of and contracting for goods, works or services by or on behalf of the Municipality and payments made in respect thereof in a manner that was—
 - (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (iii) 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 in respect of—
 - (aa) tender number LNM043/2014/2015 relating to the provision of professional services for the closure and rehabilitation plan of the old dumping site in Zone A;
 - (bb) the award of contracts in, or about, August 2015 for the electrification of Rakgoatha Village Extension, Mapatjakeng Village Extension and Motserereng Village Extension;
 - (cc) the award of a contract in, or about June 2016 for the upgrade of the access road from Units S to Q;
 - (dd) the award of a contract in, or about June 2016 for the construction of the Madisha Ditoro small access bridge and the upgrading of internal streets and storm water drains (phase 1) in Rakgoatha;
 - (ee) the award of a contract in, or about April 2016 for the tarring of 9 km of internal streets in Rockville and Unit S, Lebowakgomo; and
 - (ff) the award of a contract in, or about December 2013 for the refurbishment of the Lebowakgomo Civic Centre.
2. Any unlawful or irregular conduct by—
 - (a) employees of the Municipality; or
 - (b) any other person or entity,relating to the allegations referred to in paragraph 1 of this Schedule.