

PROCLAMATION*by the**President of the Republic of South Africa***R. No. 55, 2002****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 Saron Local Council, Weskus District Council, Calitzdorp Municipality, Worcester Municipality and Robertson Municipality (hereinafter referred to as the "Councils and Municipalities");

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 the Premier of the Western Cape, refer the matters in 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. 118 of 31 July 2001 and determine that, for the purposes of the investigation of these matters, the terms of reference of the

Special Investigating Unit, which has the powers, duties and functions assigned to or conferred upon it by the Act, are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Councils and the Municipalities;
- (b) improper or unlawful conduct by employees of the Councils and the Municipalities;
- (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 the Councils and the Municipalities;
- 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 January 1993 and the date of publication of this Proclamation.

Given under my Hand at Cape Town this Eighteenth day of June Two thousand and two.

T. M. MBEKI

President

By Order of the President-in-Cabinet:

L. N. SISULU

Minister of the Cabinet

SCHEDULE**A. SARON LOCAL COUNCIL**

1. The unlawful, unauthorised and/or irregular payments made to members and employees of the Management Board of the Council.
2. The irregular settlement proposal that was made to former members and employees of the Management Board of the Council.
3. The failure by the Management Board of the Council to keep and maintain proper financial records.
4. The irregular and/or unlawful awarding of tenders and/or the failure to keep tender records contrary to tender procedures.
5. The irregular, unauthorised and/or unlawful deposit of money belonging to the Council in the personal bank account of a member of the Management Board of the Council.
6. The failure of the Council to recover due debts in respect of a loan made by the Council to "Saron Boerdery".
7. The irregular tendering by members of the Management Board of the Council to build the Saron Holiday Resort.
8. The unlawful, unauthorised and/or irregular allocation of communal land to the "Calvynse Protestante Kerk", Board members and their families by the Management Board of the Council.
9. The irregular termination of contracts of lease by the Council during April 1996.
10. The irregular delay of the Council to transfer properties since 1995.

11. The failure by the Council to make VAT-payments to the South African Revenue Services.
12. The unlawful, unauthorised and/or irregular loans granted by the Council to members of the Council.

B. WESKUS DISTRICT COUNCIL

1. The irregular and/or unauthorised expenditures incurred by the Council during the 1994/1995 financial year.
2. The irregular and/or unauthorised expenditures incurred by the Council relating to the Ganzekraal project.
3. The irregular and/or unauthorised payment of pensions to former members of the Council.
4. The failure by the Council to collect income tax from officials in the employment of the Council and to pay it over to the South African Revenue Services.

C. CALITZDORP MUNICIPALITY

1. The failure by the Municipality to recover due debts in respect of building materials supplied to owner-builders.
2. The failure by the Municipality to recover advances made to home owners.
3. The failure by the Municipality to keep a Fixed Asset Register.
4. The failure by the Municipality to account for rebates in respect of housing projects.
5. The irregular payment by the Municipality of subsidies to owner builders.

6. The irregular payment by the Municipality of emergency loans.
7. The lack of control by the Municipality in respect of expenditures relating to capital projects.
8. Irregularities regarding tender procedures during the 1993/1994 and 1995 and 1996 financial years.
9. The losses suffered by the Municipality due to the irregular and/or unauthorised failure to collect and write off debts during the 1995/1996 financial year.

D. WORCESTER MUNICIPALITY

1. The losses suffered by the Municipality due to the irregular and/or unauthorised failure to collect and write off debts.
2. The failure of the Municipality to impose and collect fines in respect of damaged pre-paid electricity meters and to recover outstanding amounts in connection therewith.
3. The irregular and/or fruitless expenditure incurred by the Municipality in respect of a new computer system project.
4. The failure by the Municipality to maintain and keep an Asset Register.
5. The failure by the Municipality to recover rates and taxes and other monies due to the Municipality.
6. The failure by the Municipality to maintain a valuation roll for properties within the Municipality.
7. Irregularities by the Municipality regarding loan agreements in respect of three external loans in the 1997/1998 financial year.

8. The failure by the Municipality to sign mortgage documents and effect the transfer of property in respect of 58 official residencies.
9. The failure by the Municipality to account for a capital subsidy of R3 337 500, 00 claimed from the Independent Development Trust Fund.
10. The failure by the Municipality to account to the South African Revenue Services for tax and VAT.

E. ROBERTSON MUNICIPALITY

1. The losses suffered by the Municipality due to the irregular and/or unauthorised failure to collect and write off debts.
2. The failure of the Municipality to keep and maintain an Asset Register.
3. The failure by the Municipality to reconcile the rateable valuation of the properties within the Municipal area and the failure to recover correctly rated levies and charges.
4. The failure by the Municipality to maintain proper stock reports and compile financial plans.
5. The failure of the Municipality to enter into formal lease agreements with tenants in council properties and the failure to recover rent from tenants.