

PROCLAMATION

by the

President of the Republic of South Africa

No. 12, 2012

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) ("the Act"), have been made in respect of the affairs of the Swellendam Local Municipality within the Western Cape Province (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 justiciable civil disputes 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 councillors, officials and/or 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, 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 2006 and the date of issue of this Proclamation, or which took place prior to 1 January 2006 or after the date of publication of this Proclamation, which is relevant to, connected with, incidental or ancillary to the matters set out in the Schedule, or involves the same persons, entities or contracts investigated under the 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 Cape Town this Fourteenth day of February Two thousand and twelve.

J G ZUMA

President

By Order of the President-in-Cabinet:

J T RADEBE

Minister of the Cabinet

SCHEDULE

Maladministration of the affairs of the Municipality by its councillors, officials, employees or agents in relation to -

- (a) the supply chain management system of the Municipality;
- (b) the management of the Municipality's finances and assets; and
- (c) applications by developers for the development of the Swellengate and Swellenmark shopping centre developments and the Municipality's approval of such applications, including the causes of such maladministration.