



Government Gazette Staatskoerant

REPUBLIC OF SOUTH AFRICA
REPUBLIEK VAN SUID-AFRIKA

Regulation Gazette

No. 8084

Regulasiekoerant

Vol. 472

Pretoria, 20 October 2004
Oktobor

No. 26912



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PROCLAMATIONS

by the

President of the Republic of South Africa

No. R. 50, 2004

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTER 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 Quakeni Municipality in the Eastern Cape Province (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality 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 said Act, and at the request of the Premier of the Eastern Cape Province, refer the matters in the Schedule 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 these matters, the terms of reference of the Special

Investigating Unit are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by officials 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) corruption 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 June 2001 and the date of publication 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 said Act, in relation to the said matters in the Schedule, for the purpose of the recovery of any losses suffered by the Municipality.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifteenth day of October Two thousand and four.

T. A. MANUEL
Acting President

By Order of the President-in-Cabinet:

B. S. MABANDLA
Minister of the Cabinet

SCHEDULE

1. Legal costs and other costs incurred by the Municipality as a result of the unlawful dismissal of the Mayor, the Speaker and five Executive Committee Members of the Municipality by the Council of the Municipality.
2. The failure by the Municipality to comply with prescribed procedures and applicable legislation in relation to personnel matters.
3. The failure by the Municipal Manager and employees of the Municipality to exercise proper financial control.
4. The withdrawal of funds from the Municipality's bank account by Councillors of the Municipality, without authorisation.
5. The non-compliance with prescribed procurement and tender procedures by the Municipality.
6. The alienation of immovable property of the Municipality without the necessary authorisation and contrary to prescribed procedures.
7. The failure to administer the affairs of the Municipality in accordance with the provisions of applicable legislation and general accepted practices.

PROKLAMASIES*van die**President van die Republiek van Suid-Afrika***No. R. 50, 2004****WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEID NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Quakeni Munisipaliteit in die Oos-Kaap Provinsie (hierna die "Munisipaliteit" genoem);

EN AANGESIEN die Munisipaliteit verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en beregbare siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van gemelde Wet, en op versoek van die Premier van die Oos-Kaap Provinsie, die aangeleenthede in die Bylae 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 daardie aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige -

(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) korrupsie 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 van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Junie 2001 en die datum van publikasie van hierdie Proklamasie, en om die bevoegdhede en werksaamhede wat deur die Wet, aan die Spesiale Ondersoekkeenheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, vir doeleindes van die verhaal van enige verliese wat deur die Munisipaliteit gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vyftiende dag van Oktober Tweeduisend-en-vier.

T. A. MANUEL

Waarnemende President

Op las van die President-in-Kabinet:

B. S. MABANDLA

Minister van die Kabinet

BYLAE

1. Regskostes en ander kostes aangegaan deur die Munisipaliteit as gevolg van die onregmatige ontslag van die Burgermeester, die Speaker en vyf Uitvoerende Komiteede van die Munisipaliteit deur die Raad van die Munisipaliteit.
 2. Die versuim van die Munisipaliteit om te voldoen aan voorgeskrewe prosedures en toepaslike wetgewing ten opsigte van personeel aangeleenthede.
 3. Die versuim van die Munisipale Bestuurder en werknemers van die Munisipaliteit om behoorlike finansiële kontrole uit te oefen.
 4. Die onttrekking van fondse uit die Munisipaliteit se bankrekening deur Raadslede van die Munisipaliteit, sonder magtiging.
 5. Die nie-voldoening aan voorgeskrewe aankoop- en tenderprosedures deur die Munisipaliteit.
 6. Die vervreemding van onroerende eiendom deur die Munisipaliteit sonder die nodige magtiging en teenstrydig met voorgeskrewe prosedures.
 7. Die versuim om die aangeleenthede van die Munisipaliteit te administreer in ooreenstemming met die bepalinge van toepaslike wetgewing en algemeen aanvaarde gebruike.
-

No. R. 51, 2004**SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTER 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 Nala Municipality in the Free State Province (hereinafter referred to as "the Municipality");

AND WHEREAS the Municipality 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 said Act, and at the request of the Premier of the Free State Province, refer the matters in the Schedule 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 these matters, the terms of reference of the Special Investigating Unit are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the Municipality;
- (b) improper or unlawful conduct by officials 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) corruption 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 July 2002 and the date of publication 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 said Act, in relation to the said matters in the Schedule, for the purpose of the recovery of any losses suffered by the Municipality.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria this Fifteenth day of October Two thousand and four.

T. A. MANUEL
Acting President

By Order of the President-in-Cabinet:

B. S. MABANDLA
Minister of the Cabinet

SCHEDULE

1. The appointment of the building contractor, Odyssey Holdings, by the Municipality and the role played by the Municipality's consulting engineers, Molekwa and Mali CC, in the appointment.
2. The failure by the Municipality to ensure that –
 - (a) Molekwa and Mali CC; and
 - (b) Odyssey Holdings,comply with their contractual obligations in terms of contracts concluded with the Municipality.
3. The financial management and administration of the project relating to the taxi route in Monyakeng by the Town Engineer and officials of the Municipality.

No. R. 51, 2004**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEID NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekenehede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleenthede van die Nala Munisipaliteit in die Vrystaat Provinsie (hierna die "Munisipaliteit" genoem);

EN AANGESIEN die Munisipaliteit verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en beregbare siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van gemelde Wet, en op versoek van die Premier van die Vrystaat Provinsie, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeneheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleenthede, die opdrag van die Spesiale Ondersoekeneheid is om soos beoog in gemelde Wet, ondersoek te doen na enige -

- (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) korrupsie 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 van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Julie 2002 en die datum van publikasie van hierdie Proklamasie, en om die bevoegdhede en werksaamhede wat deur die Wet, aan die Spesiale Ondersoekendeheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, vir doeleindes van die verhaal van enige verliese wat deur die Munisipaliteit gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vyftiende dag van Oktober Tweeëduisend-en-vier.

T. A. MANUEL

Waarnemende President

Op las van die President-in-Kabinet:

B. S. MABANDLA

Minister van die Kabinet

BYLAE

1. Die aanstelling van die bou-aannemer, Odyssey Holdings, deur die Munisipaliteit en die rol van die Munisipaliteit se raadgewende ingenieurs, Molekwa en Mali CC, in die aanstelling.
2. Die versuim van die Munisipaliteit om te verseker dat -
 - (a) Molekwa en Mali CC; en
 - (b) Odyssey Holdings,hulle kontraktuele verpligtinge kragtens kontrakte gesluit met die Munisipaliteit, nakom.
3. Die finansiële bestuur en administrasie van die projek aangaande die taxi-roete in Monyakeng deur die Stadsingenieur en beamptes van die Munisipaliteit.

No. R. 52, 2004**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 Vista University (hereinafter referred to as the "University");

AND WHEREAS the University 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 said Act, refer the matter in the Schedule 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 matter, the terms of

reference of the Special Investigating Unit are to investigate as contemplated in the said Act, any -

- (a) serious maladministration in connection with the affairs of the University;
- (b) improper or unlawful conduct by employees of the University;
- (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;
- (f) corruption in connection with the affairs of the University; 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 1993 and the date of publication 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 said Act, in relation to the said matters in the Schedule, for the purpose of the recovery of any losses suffered by the University.

Given under my Hand at Pretoria this Fifteenth day of October Two thousand and four.

T. A. MANUEL

Acting President

By Order of the President-in-Cabinet:

B. S. MABANDLA

Minister of the Cabinet

SCHEDULE

1. The establishment of the Vista University Early Retirement Trust.
2. The donation of R40 million by Vista University to the Vista University Early Retirement Trust.

No. R. 52, 2004**WET OP SPESIALE ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET No. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID EN SPESIALE TRIBUNAAL**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekenehede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996), gemaak is in verband met die aangeleentheid van die Vista Universiteit (hierna die "Universiteit" genoem);

EN AANGESIEN die Universiteit verliese gely het wat verhaal kan word;

EN AANGESIEN ek dit nodig ag dat gemelde bewerings ondersoek en beregbare siviele geskille voortspruitend uit sodanige ondersoek bereg moet word;

DERHALWE verwys ek hierby, kragtens artikel 2(1) van gemelde Wet, die aangeleentheid in die Bylae vir ondersoek na die Spesiale Ondersoekeneheid ingestel by Proklamasie No. R. 118 van 31 Julie 2001 en bepaal dat, vir die doeleindes van die ondersoek van daardie aangeleentheid, die opdrag van die Spesiale Ondersoekeneheid is om soos beoog in gemelde Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Universiteit;
- (b) onbehoorlike of onregmatige optrede deur werknemers van die Universiteit;
- (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;
- (f) korrupsie in verband met die sake van die Universiteit; of
- (g) onwettige of onbehoorlike optrede deur enige persoon wat ernstige benadeling vir die belange van die publiek of enige kategorie van die publiek veroorsaak het of kan veroorsaak,

wat plaasgevind het tussen 1 Desember 1993 en die datum van publikasie van hierdie Proklamasie, en om die bevoegdhede en werksaamhede wat deur die Wet, aan die Spesiale Ondersoekeenheid toegewys of opgedra is uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, vir doeleindes van die verhaal van enige verliese wat deur die Universiteit gely is.

Gegee onder my Hand te Pretoria op hede die Vyftiende dag van Oktober Tweeduisend-en-vier.

T. A. MANUEL

Waarnemende President

Op las van die President-in-Kabinet:

B. S. MABANDLA

Minister van die Kabinet

BYLAE

1. Die stigting van die "Vista University Early Retirement Trust".
 2. Die skenking van R40 miljoen deur Vista Universiteit aan die "Vista University Early Retirement Trust".
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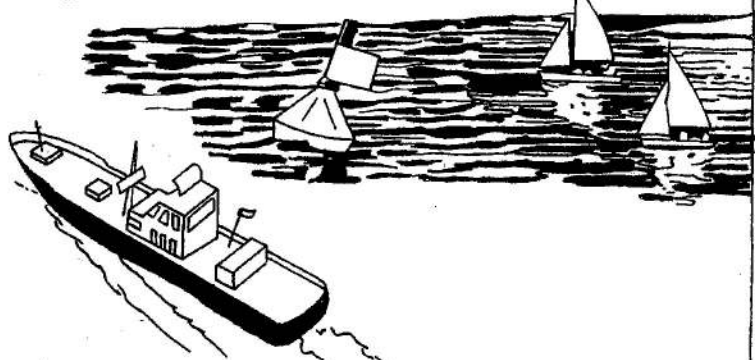
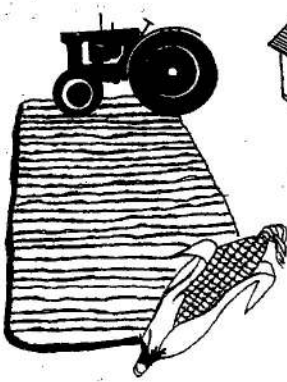
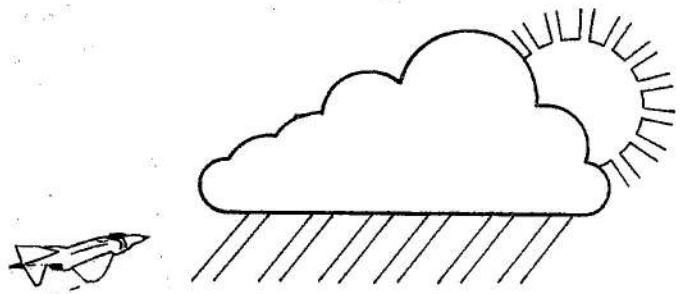
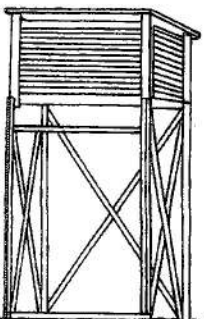
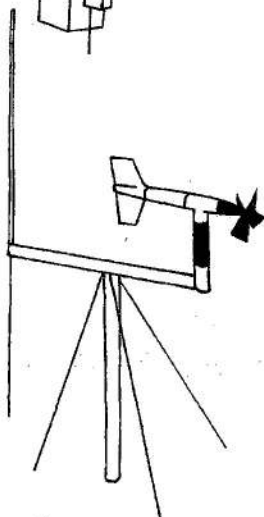
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Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001
Publications: Tel: (012) 334-4508, 334-4509, 334-4510
Advertisements: Tel: (012) 334-4673, 334-4674, 334-4504
Subscriptions: Tel: (012) 334-4735, 334-4736, 334-4737
Cape Town Branch: Tel: (021) 465-7531

Gedruk deur en verkrygbaar by die Staatsdrukker, Bosmanstraat, Privaatsak X85, Pretoria, 0001
Publikasies: Tel: (012) 334-4508, 334-4509, 334-4510
Advertensies: Tel: (012) 334-4673, 334-4674, 334-4504
Subskripsies: Tel: (012) 334-4735, 334-4736, 334-4737
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