

# Provincial Gazette Extraordinary

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**PROVINCIAL NOTICES**

The following Provincial Notices are published for general information.

G. A. LAWRENCE,  
DIRECTOR-GENERAL

Provincial Building,  
Wale Street,  
Cape Town.

**PROVINSIALE KENNISGEWINGS**

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

G. A. LAWRENCE,  
DIREKTEUR-GENERAAL

Provinsiale-gebou,  
Waalstraat,  
Kaapstad.

P.N. 381/2006

14 November 2006

**NOTICE OF PUBLIC HEARING**

Notice is hereby given of a public hearing to be held in Oudtshoorn from 28 November to 1 December 2006 as part of an investigation called for by the Western Cape Minister of Local Government and Housing into allegations of maladministration, non-compliance with statutory obligations and serious malpractices which have occurred or are occurring in the Oudtshoorn Municipality together with other allegations brought to the attention of the Commission at the public hearing. These allegations include inter alia;

- The payment of performance bonuses to employees appointed in terms of section 57 of the Municipal Systems Act without performance agreements being in place.
- Lack of employment contracts in respect of section 57 employees.
- Language — use of Afrikaans in the council meetings.
- Submission of motions by councillors denied.
- Dismissal and suspension of senior staff.
- Investigations against the municipal manager and other senior staff members.
- No response by municipal officials to councillor letters.
- Use of racist language in the council chamber.
- Payment of six-monthly performance bonus to the municipal manager and departmental heads without proper evaluation and valid agreements.
- The payment of a severance package to a former official, Mr H Bezuidenhout, after the charges against him have been dropped. No reflection in the minutes of the municipal council for this conduct.

**Any interested party who wishes to appear at the hearing or who wishes to supply information must inform the Secretary before 16:00 on Tuesday, 21 November 2006.**

Witnesses giving evidence are entitled to their own legal representation at their own cost.

Attention is drawn to the fact that documentation submitted must be by way of a sworn affidavit and that witnesses who present oral representations will be requested to do so under oath or to make an affirmation.

Any person or institution in doubt whether it would be permitted to be represented is requested to contact the Secretary.

BY ORDER  
ADV JJ MOSES

|                   |                     |                 |                |
|-------------------|---------------------|-----------------|----------------|
| <u>Secretary:</u> | Desmond Grootboom   | <u>Address:</u> | Room 5-05      |
|                   | C/o Susan Truter    |                 | 27 Wale Street |
| <u>Tel:</u>       | (021) 483-5533      |                 | CAPE TOWN      |
| <u>Fax:</u>       | (021) 483-4058      |                 | 8000           |
| <u>Cell:</u>      | 083 4606 327        |                 |                |
| <u>E-mail:</u>    | struter@pgwc.gov.za |                 |                |

DATE AND TIME OF HEARING:

28 November 2006 to 1 December 2006 but can be extended by the Chairperson, if required.

Time: From 09:00

VENUE:

Council Chamber

Oudtshoorn Municipality

Voortrekker Road

Oudtshoorn

P.K. 381/2006

14 November 2006

**KENNISGEWING VAN OPENBARE VERHOOR**

Kennis word hiermee gegee van 'n openbare verhoor wat in Oudtshoorn gehou sal word vanaf 28 November tot 1 Desember 2006 en wat deel uitmaak van 'n ondersoek deur die Wes-Kaapse Minister van Plaaslike Regering en Behuising oor bewerings van wanadministrasie, nie-uitvoering van statutêre verpligtinge en ernstige wanpraktyke wat plaasgevind het of steeds plaasvind in die Oudtshoorn Munisipaliteit tesame met ander bewerings wat tot die Kommissie se aandag gebring mag word by die openbare verhoor. Hierdie bewerings sluit onder andere in;

- Die betaling van prestasiebonusse aan werknemers wat ingevolge artikel 57 van die Munisipale Stelselwet aangestel is, sonder dat prestasieooreenkomste in plek was.
- Die gebrek aan dienskontrakte ten opsigte van artikel 57-werknemers.
- Taal — die gebruik van Afrikaans by die raadsvergaderings.
- Die nie-aanvaarding van mosies van raadslede.
- Die ontslag en skorsing van senior personeellede.
- Ondersoeke teen die munisipale bestuurder en ander senior personeellede.
- Geen reaksie van munisipale amptenare op briewe van raadslede nie.
- Rassistiese taalgebruik in die raadskamer.
- Die betaling van 'n sesmaandelikse prestasiebonus aan die munisipale bestuurder en afdelingshoofde sonder behoorlike evaluering of geldige ooreenkomste.
- Die betaling van 'n skeidingspakket aan 'n voormalige beampte, mnr H Bezuidenhout, nadat die klagtes teen hom laat vaar is. Hierdie optrede word nêrens in die notules van die munisipale raad weergegee nie.

**Enige belangstellendes wat graag by die verhoor wil getuig en inligting wil verskaf, moet die Sekretaris hiervan verwittig voor 16:00 op Dinsdag, 21 November 2006.**

Getuies is geregtig op hul eie regsverteenvoerders op hul eie koste.

Aandag word daarop gevestig dat dokumentasie voorgelê, beëdig moet word en dat getuies wat mondelinge getuienis aflê, versoek sal word om dit onder eed te doen of om 'n bevestiging te maak.

Enige persoon of instelling wat onseker is of dit toegelaat sal word om verteenwoordig te word, word versoek om met die Sekretaris in verbinding te tree.

IN OPDRAG  
ADV JJ MOSES

|                    |                     |               |               |
|--------------------|---------------------|---------------|---------------|
| <u>Sekretaris:</u> | Desmond Grootboom   | <u>Adres:</u> | Kamer 5-05    |
|                    | P/a Susan Truter    |               | Waalstraat 27 |
| <u>Tel:</u>        | (021) 483-5533      |               | KAAPSTAD      |
| <u>Faks:</u>       | (021) 483-4058      |               | 8000          |
| <u>Sel:</u>        | 083 4606 327        |               |               |
| <u>E-pos:</u>      | struter@pgwc.gov.za |               |               |

**DATUM EN TYD VAN VERHOOR:**

28 November 2006 tot 1 Desember 2006 maar kan verleng word deur die Voorsitter, indien nodig.

Tyd: Vanaf 09:00

**PLEK:**

Raadsaal

Oudtshoorn Munisipaliteit

Voortrekkerweg

Oudtshoorn

P. N. 381/2006

14 kuNovemba 2006

**ISAZISO SENDIBANO YOVAKALISO-ZIMVO**

Esi sisaziso esikhutshwayo sovakaliso-zimvo oluya kubanjelwa e-Oudtshoorn ukuqalela ngomhla wama-28 kuNovemba kude kuye kumhla wokuqala kuDisemba ka-2006, lunjengexalenye yophando olufunwe ngumPhathiswa woRhulumente womMandla nezeZindlu eNtshona Koloni, lumalunga nezityholo zolawulo olugwenxa, ukungahambisani nezibophelelo zomthetho nokuninzi okungalunganga okwenzekileyo okanye okwenzekayo kuMasipala wase-Oudtshoorn, zikhona nezinye izityholo eziziswe kwiKhomishoni ukuze ziqwalaselwe kolo vakaliso-zimvo. Ezi zityholo zibandakanya oku kulandelayo;

- Ukuhlawulwa kweebhonasi zokusebenza kubaqeshwa abafakwa ngokubhekiselele kwicandelo 57 lomThetho weNkqubo yooMasipala, akukho zivumelwano zentsebenzo bezikhe zafakwa.
- Ukungabikho kweekontraki zengqesho ezimalunga nabaqeshwa becandelo 57.
- Ulwimi oluthethwayo — kusetyenziswa isiBhulu ezintlanganisweni zeBhunga.
- Ukukhatywa kwezindululo ezingenisweyo ngooceba.
- Abasebenzi abasezikhundleni eziphezulu bagxothiwe nabanye baza barhoxiswa emsebenzini.
- Kuyaphandwa malunga nemanjari kamasipala kunye nabanye abasebenzi abasezikhundleni eziphezulu.
- Amagosa aphaya kumasipala awaziphenduli iileta ezivela kooceba.
- Ezindibanweni zeBhunga kusetyenziswa ulwimi olucalu-calula abantu ngokobuhlanga nebala labo.
- Qho emva kweenyanga ezintandathu umanjari kamasipala kunye neentloko zamasebe banikwa ibhonasi yentsebenzo kungakhange kubekho zivumelwano zokwenene kanti nomsebenzi wabo khange uhlolisiswe.
- Ukunikezelwa kwemali esisixa kowayesakuba ligosa likaRhulumente, uMnu. H. Bezuidenhout emva kokuba zisusiwe kuye izityholo. Yonke le nkqubo ayibonakali kwimizuzu yeBhunga likamasipala.

**Nawuphi na umntu onomdla wokubakhona kolu vakaliso-zimvo okanye onqwenela ukunikezela ngeenkukacha makaxelele uNobhala phambi kwentsimbi yesine ngoLwesibini umhla wama-21 kuNovemba ka-2006.**

Ukuba kukho umntu ofuna ukuba lingqina, oko unelungelo lokukwenza yaye uya kujongana neendleko zaloo mbandela eyedwa.

Kugxininiswa ekubeni amaxwebhu angeniswayo mawabe kwimo yengxelo efungelweyo yaye amangqina aza kuthetha ngomlomo kolo vakaliso-zimvo aza kuvelwa ukuba oko akwenze ngokukufungela okanye abhale isiqinisekiso.

Nawuphi na umntu okanye naliphi na iziko elingaqinisekanga nokuba kuvumelekile na ukuba limelwe, liyacelwa ukuba liqhagamshelane noNobhala.

**OGUNYAZISAYO:  
LIGQWETHA LEEJAJI JJ MOSES**

|                    |                             |                  |                    |
|--------------------|-----------------------------|------------------|--------------------|
| <u>UNobhala:</u>   | Desmond Grootboom           | <u>I-adresi:</u> | eGumbini 5-05      |
|                    | (C/o) Bonana noSusan Truter |                  | kwa-27 Wale Street |
| <u>Ifowuni:</u>    | (021) 483-5533              |                  | CAPE TOWN          |
| <u>Ifeksi:</u>     | (021) 483-4058              |                  | 8000               |
| <u>ISelfowuni:</u> | 083 4606 327                |                  |                    |
| <u>E-mail:</u>     | struter@pgwc.gov.za         |                  |                    |

**UMHLA NEXESHA LOVAKALISO-ZIMVO:**

Ngumhla wama-28 kuNovemba ka-2006 kude kube ngumhla wokuqala kuDisemba ka-2006. Noxa kunjalo eli xesha lisenokwandiswa ngumHlali-ngaphambili xa kufuneka ngolo hlobo.

Ixesha: Kwakuqala ngentsimbi yesithoba [09:00]

**INDAWO:**

Yi-Council Chamber

KuMasipala we-Oudtshoorn

Voortrekker Road

Oudtshoorn

P.N. 382/2006

14 November 2006

**LOCAL GOVERNMENT : MUNICIPAL SYSTEMS ACT, 2000**

## Section 106(1)(b):

## Designation of persons to conduct investigation.

Notice is hereby given that Mr QR Dyantyi, the Western Cape Minister of Local Government and Housing, has in terms of section 106(1)(b) of the Local Government: Municipal Systems Act, 2000 (Act 32 of 2000), on 10 November 2006 designated Adv JJ Moses as chairperson and Mr M Magida as member to conduct an investigation in terms of section 106(2) of the said Act read with the Western Cape Provincial Commissions Act, 10 of 1998 into allegations of maladministration, non-compliance with statutory obligations and serious malpractices which have occurred or are occurring in the Oudtshoorn Municipality together with other allegations brought to the attention of the Commission at the public hearing. These allegations include inter alia;

- The payment of performance bonuses to employees appointed in terms of section 57 of the Municipal Systems Act without performance agreements being in place.
- Lack of employment contracts in respect of section 57 employees.
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- No response by municipal officials to councillor letters.
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- Payment of six-monthly performance bonus to the municipal manager and departmental heads without proper evaluation and valid agreements.
- The payment of a severance package to a former official, Mr H Bezuidenhout, after the charges against him have been dropped. No reflection in the minutes of the municipal council for this conduct.

P.K. 382/2006

14 November 2006

**WET OP PLAASLIKE REGERING: MUNISIPALE STELSELS, 2000**

## Artikel 106(1)(b):

## Aanwysing van persone om ondersoek in te stel.

Kennis word hiermee gegee dat mnr QR Dyantyi, die Wes-Kaapse Minister van Plaaslike Regering en Behuising kragtens artikel 106(1)(b) van die Wet op Plaaslike Regering: Munisipale Stelsels, 2000 (Wet 32 van 2000), adv JJ Moses as voorsitter en mnr M Magida as lid op 10 November 2006 aangewys het om kragtens artikel 106 (2) van gemelde Wet saamgelees met die Wes-Kaapse Provinsiale Kommissiewet, 10 van 1998, ondersoek in te stel na bewerings van wanadministrasie, nie-uitvoering van statutêre verpligtinge en ernstige wanpraktyke wat plaasgevind het of steeds plaasvind in die Oudtshoorn Munisipaliteit saam met ander bewerings onder die aandag van die Kommissie gebring by die openbare verhoor. Hierdie bewerings sluit onder andere in;

- Die betaling van prestasiebonusse aan werknemers wat ingevolge artikel 57 van die Munisipale Stelselwet aangestel is, sonder dat prestasieooreenkomste in plek was.
- Die gebrek aan dienskontrakte ten opsigte van artikel 57-werknemers.
- Taal — die gebruik van Afrikaans by die raadsvergaderings.
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- Geen reaksie van munisipale amptenare op briewe van raadslede nie.
- Rassistiese taalgebruik in die raadskamer.
- Die betaling van 'n sesmaandelikse prestasiebonus aan die munisipale bestuurder en afdelingshoofde sonder behoorlike evaluering of geldige ooreenkomste.
- Die betaling van 'n skeidingspakket aan 'n voormalige beampte, mnr H Bezuidenhout, nadat die klagtes teen hom laat vaar is. Hierdie optrede word nêrens in die notules van die munisipale raad weergegee nie.

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*SUID-AFRIKA EERSTE –*  
KOOP SUID-AFRIKAANS  
VERVAARDIGDE GOEDERE