

***Regulation Gazette***

**No. 8783**

***Regulasiekoerant***

**Vol. 509**

**Pretoria, 27 November 2007**

**No. 30521**

**CONTENTS****INHOUD**

<i>No.</i>		<i>Page No.</i>	<i>Gazette No.</i>	<i>No.</i>		<i>Bladsy No.</i>	<i>Koerant No.</i>
<b>PROCLAMATIONS</b>				<b>PROKLAMASIES</b>			
R. 37	Special Investigating Units and Special Tribunals Act (74/1996): Referral of matters to existing special investigating unit and special tribunal .....	3	30521	R. 37	Wet op Spesiale Ondersoekeenhede en Spesiale Tribunale (74/1996): Verwysing van aangeleentheid na bestaande spesiale ondersoekendeheid en spesiale tribunaal .....	6	30521
R. 38	do.: do .....	9	30521	R. 38	do.: do .....	12	30521
R. 39	do.: do .....	15	30521	R. 39	do.: do .....	18	30521
R. 40	do.: do .....	21	30521	R. 40	do.: do .....	25	30521
R. 41	do.: do .....	29	30521	R. 41	do.: do .....	32	30521

**PROCLAMATION***by the**President of the Republic of South Africa***No. R. 37, 2007****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 Free State Provincial Department of Finance and the Free State Provincial Treasury (hereinafter collectively referred to as the "Department");

AND WHEREAS the Department 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, and at the request of the Premier of the Free State Province, refer the matters mentioned 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 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 Department;
- (b) improper or unlawful conduct by officers and/or employees of the Department;
- (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 Department; 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 have taken place between 1 January 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 Act, in relation to the said matters in the Schedule, for the purpose of the recovery of any losses suffered by the Department.

Given under my Hand and the Seal of the Republic of South Africa at Cape Town this First day of November Two thousand and seven.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**B. S. MABANDLA**

**Minister of the Cabinet**

## SCHEDULE

1. The procurement of goods and services by the Department in the amount of R777 862, 44 for the Free State Moral Regeneration Movement contrary to prescribed tender procedures and in a manner that was neither fair, competitive, transparent, equitable nor cost-effective.
2. The failure by the Department to-
  - (a) conclude an appropriate service level agreement regulating the rendering of services and the delivery of goods procured for the Free State Moral Regeneration Movement and for the payment thereof; and
  - (b) verify the rendering of services and delivery of goods procured for the Free State Moral Regeneration Movement before making payment thereof.
3. The awarding of contracts for the rendering of services and the delivery of goods for the Free State Moral Regeneration Movement to an entity in which the spouse of the personal assistant of a Member of the Executive Committee held an interest.

**PROKLAMASIE**  
*van die*  
**President van die Republiek van Suid-Afrika**

**No. R. 37, 2007**

**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 Vrystaat Provinsiale Departement van Finansies en die Vrystaat Provinsiale Tesourie (hierna gesamentelik die “Departement” genoem);

EN AANGESIEN die Departement 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 die Wet, en op versoek van die Premier van die Vrystaat 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 die Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Departement;

- (b) onbehoorlike of onregmatige optrede deur beamptes of werknemers van die Departement;
- (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) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighe, 2004, in verband met die sake van die Departement; 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 Januarie 2002 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 Departement gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Kaapstad op hede die Eerste dag van November Tweeduisend-en-sewe.

**T. M. MBEKI**

**President**

Op las van die President-in-Kabinet:

**B. S. MABANDLA**

**Minister van die Kabinet**

**BYLAE**

1. Die aanskaffing van goedere en dienste deur die Departement ten bedrae van R777 862, 44 vir die “Free State Moral Regeneration Movement” strydig met voorgeskrewe tender prosedures en op ‘n manier wat nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie.
2. Die versuim van die Departement om –
  - (a) ‘n paslike kontrak rakende vlak van dienslewering te sluit om dienslewering en die lewering van goedere wat aangeskaf is vir die “Free State Moral Regeneration Movement” en die betaling daarvan te reguleer; en
  - (b) dienslewering en die verskaffing van goedere wat aangeskaf is vir die “Free State Moral Regeneration Movement” te verifieer voordat daarvoor betaal is.
3. Die toekenning van kontrakte vir die verskaffing van dienste en die lewering van goedere vir die “Free State Moral Regeneration Movement” aan ‘n entiteit waarin die gade van die persoonlike assistent van ‘n Lid van die Uitvoerende Raad ‘n belang gehad het.



**No. R. 38, 2007****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 Metsimaholo Local Municipality situated 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 mentioned 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 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 officers 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 have taken place between 1 November 2003 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 Sixteenth day of November Two thousand and seven.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**B. S. MABANDLA**

**Minister of the Cabinet**

## SCHEDULE

1. The alienation and background to the alienation of land of the Municipality, namely –
  - (a) the Remainder of the Farm Grootfontein No. 328;
  - (b) Erf 1 Vaal Park, inclusive of the street portion up to Outeniqua Street;
  - (c) Erf 1294 Vaal Park;
  - (d) the Remainder of Erf 1295 Vaal Park and certain land in Vaal Park bounded by Minnaar Street to the south; and
  - (e) the Remainder of Erf 1295 Vaal Park to the west, Lauterwater to the east and Outeniqua Street to the north,to The Heron Banks Development Company (Pty) Ltd in a manner and by a process contrary to the provisions of section 14(2) and (5) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003).
  
2. Financial prejudice and losses suffered by the Municipality as a result of the alienation of the land mentioned in paragraph 1.

**No. R. 38, 2007****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) (hierna die “Wet” genoem), gemaak is in verband met die aangeleenthede van die Metsimaholo Plaaslike Munisipaliteit geleë 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 die Wet, en op versoek van die Premier van die Vrystaat Provinsie, die aangeleenthede in die Bylae vir ondersoek na die Spesiale Ondersoekeenhede 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 Ondersoekeenhede is om soos beoog in die Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die

Munisipaliteit;

- (b) onbehoorlike of onregmatige optrede deur beamptes of 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) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, 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 November 2003 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 Munisipaliteit gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Sestiende dag van November Tweeuisend-en-sewe.

**T. M. MBEKI**

**President**

Op las van die President-in-Kabinet:

**B. S. MABANDLA**

**Minister van die Kabinet**

**BYLAE**

1. Die vervreemding, en agtergrond tot die vervreemding van grond van die Munisipaliteit, naamlik-
  - (a) die Oorblywende gedeelte van die plaas Grootfontein No. 328;
  - (b) Erf 1 Vaal Park, insluitende die straat gedeelte tot by Outeniqua Straat;
  - (c) Erf 1294 Vaal Park;
  - (d) die Oorblywende gedeelte van Erf 1295 Vaal Park en sekere grond in Vaal Park wat begrens word deur Minnaar Straat in die suide; en
  - (e) die Oorblywende gedeelte van Erf 1295 Vaal Park na die weste, Lauterwater na die ooste en Outeniqua Straat na die noorde, aan "The Heron Banks Development Company (PTY) Ltd" op 'n wyse en deur 'n proses strydig met die bepalings van artikel 14(2) en (5) van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No.56 van 2003).
  
2. Finansiële nadeel en verliese wat deur die Munisipaliteit gely is as gevolg van die vervreemding die grond vermeld in paragraaf 1.

**No. R. 39, 2007****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 Dihlabeng Local Municipality situated 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 mentioned 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 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 officers 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 have taken place between August 2003 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 Sixteenth day of November Two thousand and seven.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**B. S. MABANDLA**

**Minister of the Cabinet**



**SCHEDULE**

1. The alienation, during 2005/2006, of land belonging to the Municipality (Portion of the Farm Pretoriuskloof 152 situated adjacent to Erf 3371 between the Engen One Stop and the Casino), in a manner and by a process contrary to the provisions of sections 14(2) and (5) of the Local Government: Municipal Finance Management Act, 2003 (Act No. 56 of 2003), to the lowest bidder at a purchase price substantially below the land's fair and reasonable market value.
2. The financial prejudice to and losses suffered by the Municipality as a result of the alienation of the land contemplated in paragraph 1.
3. Any actual or prospective interests held by any councillor of the Municipality in the company that was awarded the bid to which the land referred to in paragraph 1 was sold, and whether such interests existed at the time of the alienation, and any influence which such interests may have had on the alienation of the land to the said bidder.
4. The procurement of, and events leading to the procurement during 2005/2006 of motor vehicles for the Municipality in a manner and by a process contrary to applicable legislation and from a bidder, Moipone Investments, whose bids were not the lowest acceptable bids.
5. The financial prejudice and losses suffered by the Municipality as a result of the procurement of the motor vehicles referred to in paragraph 4.
6. The failure to enforce the condition regarding time of delivery which was imposed as a condition to the awarding of the contract for the procurement of motor vehicles from Moipone Investments, referred to in paragraph 4.

**No. R. 39, 2007****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 Ondersoekeenheede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna die “Wet” genoem), gemaak is in verband met die aangeleenthede van die Dihlabeng Plaaslike Munisipaliteit geleë 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 die Wet, en op versoek van die Premier van die Vrystaat 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 die Wet, ondersoek te doen na enige

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die

Munisipaliteit;

- (b) onbehoorlike of onregmatige optrede deur beamptes of 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) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, 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 Augustus 2003 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 Munisipaliteit gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Sestiende dag van November Tweeduisend-en-sewe.

**T. M. MBEKI**

**President**

Op las van die President-in-Kabinet:

**B. S. MABANDLA**

**Minister van die Kabinet**

**BYLAE**

1. Die vervreemding, gedurende 2005/2006, van grond wat aan die Munisipaliteit behoort het (Gedeelte van die Plaas Pretoriuskloof 152 geleë aanliggend aan Erf 3371 tussen die “Engen One Stop” en die Casino), op ‘n wyse en deur ‘n proses strydig met die bepalings van artikel 14(2) en (5) van die Wet op Plaaslike Regering: Munisipale Finansiële Bestuur, 2003 (Wet No. 56 van 2003), aan die laagste bieder teen ‘n koopprys wat wesenlik laer was as die grond se billike en redelike markwaarde.
2. Die finansiële nadeel en verliese wat die Munisipaliteit gely het as gevolg van die vervreemding van die grond bedoel in paragraaf 1.
3. Enige werklike of voorgenome belange wat deur enige raadslid van die Munisipaliteit gehou is in die maatskappy aan wie die bod toegestaan was en aan wie die grond soos bedoel in paragraaf 1 verkoop was, en of sodanige belange bestaan het ten tyde van die vervreemding van die grond aan die gemelde bieder, en of enige invloed wat sodanige belange mag gehad het op die vervreemding van die grond aan die gemelde bieder.
4. Die aanskaffing van en gebeure wat die aanskaffing voorafgegaan het gedurende 2005/2006 van motorvoertuie vir die Munisipaliteit op ‘n wyse en deur ‘n proses wat strydig is met toepaslike wetgewing en van ‘n bieder, “Moipone Investments”, wie se aanbiedinge nie die laagste aanvaarbare aanbiedinge was nie.
5. Die finansiële nadeel en verliese wat deur die Munisipaliteit gely is as gevolg van die aanskaffing van die motorvoertuie waarna in paragraaf 4 verwys word.
6. Die nalate om die voorwaarde aangaande die tyd van aflewering wat opgelê is as ‘n voorwaarde vir die toekenning van die kontrak vir die aanskaffing van motorvoertuie van “Moipone Investments”, waarna in paragraaf 4 verwys word, af te dwing.

**No. R. 40, 2007****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 Maluti-a-Phofung Local Municipality situated 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 mentioned 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 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 officers 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 have taken place between 1 November 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 November Two thousand and seven.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**B. S. MABANDLA**

**Minister of the Cabinet**

## SCHEDULE

1. The procurement and events leading to the procurement of services for the construction of a 132kv substation at Moeding (Tender No. ND03016N) in a manner and by a process contrary to the provisions of applicable legislation and the awarding of a contract for the performance of said services to a bidder whose bid was substantially higher than that of the lowest acceptable bid with the highest score.
2. The expenditure between February 2004 and February 2005 of an additional amount of approximately R1 345 505 for services on the construction of the 132kv substation at Moeding, referred to in paragraph 1.
3. The involvement in the construction of ventilated pit latrines of an entity other than the bidder to which a contract was awarded for the construction of the said latrines.
4. The procurement and events leading to the procurement during 2003 of services for the delivery of health and hygiene education and training in a manner and by a process contrary to applicable legislation governing such procurement.
5. The awarding of a contract for the performance of services for the delivery of health and hygiene education and training to Digoeregoere Business Projects whose bid was not the highest scoring bid and losses which the Municipality suffered as a result thereof.
6. The appointment of a consultant and agent in relation to projects for the construction of the pit latrines referred to in paragraph 3 and delivery of the services referred to in paragraph 4 without following procurement processes prescribed by applicable legislation.
7. The making of a double payment of R304 106, 40 on invoice number 200405 of Digoeregoere Business Projects on 25 August 2004 and 1 September 2004, respectively, and the failure to recover the excess payment.

8. The procurement and events leading to the procurement of electricity revenue management services during 2004 in a manner and by a process contrary to applicable legislation.
  
9. The awarding of a contract for the performance of electricity revenue management services to a bidder whose bid was not the lowest acceptable and highest scoring bid, and losses which the Municipality suffered as a result thereof.



**No. R. 40, 2007****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) (hierna die “Wet” genoem), gemaak is in verband met die aangeleenthede van die Maluti-a-Phofung Plaaslike Munisipaliteit geleë 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 die Wet, en op versoek van die Premier van die Vrystaat 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 die Wet, ondersoek te doen na enige -

- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur beamptes of 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) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, 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 November 2003 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 November Tweeduisend-en-sewe.

**T. M. MBEKI**

**President**

Op las van die President-in-Kabinet:

**B. S. MABANDLA**

**Minister van die Kabinet**

**BYLAE**

1. Die aanskaffing en gebeure wat aanleiding gegee het tot die aanskaffing van dienste vir die oprigting van 'n 132kv substasie te Moeding (Tender No. ND03016N) op 'n wyse en deur 'n proses strydig met toepaslike wetgewing en die toekenning van 'n kontrak vir die lewering van die gemelde dienste aan 'n bieder wie se bod aansienlik hoër was as die laagste aanvaarbare bod met die hoogste puntetelling.
2. Die besteding tussen Februarie 2004 en Februarie 2005 van 'n bykomende bedrag van ongeveer R1 345 505 vir dienste vir die oprigting van die 132kv substasie te Moeding, waarna in paragraaf 1 verwys word.
3. Die betrokkenheid by die konstruksie van geventileerde put-toilette van 'n entiteit anders as die bieder aan wie die kontrak vir die konstruksie van die toilette toegeken was.
4. Die aanskaffing en gebeure wat aanleiding gegee het tot die aanskaffing gedurende 2003 van dienste vir die lewering van gesondheid- en higiëne opvoeding en opleiding op 'n wyse en deur 'n proses strydig met toepaslike wetgewing wat sodanige aanskaffing reguleer.
5. Die toekenning van 'n kontrak vir die lewering van dienste van gesondheid- en higiëne opvoeding en opleiding aan "Digoeregoere Business Projects" wie se bod nie die hoogste puntetelling behaal het nie en verliese wat die Munisipaliteit as gevolg daarvan gely het.
6. Die aanstelling van 'n konsultant en agent ten opsigte van die projekte vir die oprigting van die put-toilette waarna in paragraaf 3 verwys word en die lewering van dienste waarna in paragraaf 4 verwys word sonder dat die aanskaffingsprosesse soos deur toepaslike wetgewing voorgeskryf is, gevolg is.

7. Die maak van 'n dubbele betaling van R304 106, 40 op faktuur nommer 200405 van Digoeregoere Business Projects op 25 Augustus 2004 en 1 September 2004 onderskeidelik, en die nalate om die oorskot bedrag te verhaal.
8. Die aanskaffing en gebeure wat aanleiding gegee het tot die aanskaffing van elektrisiteitsinkomstebestuur dienste gedurende 2004 op 'n wyse en deur 'n proses wat strydig is met toepaslike wetgewing.
9. Die toekenning van 'n kontrak vir die lewering van elektrisiteitsinkomstebestuur dienste aan 'n bieder wie se bod nie die laagste aanvaarbare bod en bod met die hoogste puntetelling was nie, en verliese wat die Munisipaliteit as gevolg daarvan gely het.

**No. R. 41, 2007****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 Matjhabeng Local Municipality situated 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 mentioned 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 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 officers 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 have taken place between 1 December 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 Sixteenth day of November Two thousand and seven.

**T. M. MBEKI**

**President**

By Order of the President-in-Cabinet:

**B. S. MABANDLA**

**Minister of the Cabinet**

## SCHEDULE

1. The procurement and events leading to the procurement, from August 2003, of services for the repair and maintenance of street and public lights and high masts, and the supply of components in connection therewith, contrary to applicable legislation and the Municipality's internal regulations, and losses suffered by the Municipality as a result thereof.
2. The release of a contractor from a performance guarantee covering the cost of the Municipality in the event of malperformance by the contractor after the said contractor had malperformed.
3. The hiring and events leading to the hiring of 10 motor vehicles during 2004 contrary to applicable legislation, and losses suffered by the Municipality as a result thereof.
4. The procurement and events leading to the procurement during July 2004 of financial management advisory services contrary to applicable legislation, and losses suffered by the Municipality as a result thereof.
5. The writing off of debts for rates and service charges owed to the Municipality, and losses suffered by the Municipality as a result thereof.
6. The forfeiture by the Municipality of a deposit paid by it in terms of a contract for the procurement of fixed property, upon the cancellation of the said contract during 2003.
7. The hiring of fixed property by the Municipality without it taking occupation thereof for approximately one year and unauthorised improvements that were effected to the said property at the Municipality's expense.

**No. R. 41, 2007****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 Ondersoekeenheede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) (hierna die “Wet” genoem), gemaak is in verband met die aangeleenthede van die Matjhabeng Plaaslike Munisipaliteit geleë 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 die Wet, en op versoek van die Premier van die Vrystaat 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 die Wet, ondersoek te doen na enige -



- (a) ernstige wanadministrasie in verband met die aangeleenthede van die Munisipaliteit;
- (b) onbehoorlike of onregmatige optrede deur beamptes of 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) misdryf bedoel in Dele 1 tot 4, of artikel 17, 20 of 21 (vir sover dit op voornoemde misdrywe betrekking het) van Hoofstuk 2 van die Wet op die Voorkoming en Bestryding van Korrupte Bedrywighede, 2004, 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 Desember 2002 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 Munisipaliteit gely is.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Sestiende dag van November Tweeduisend-en-sewe.

**T. M. MBEKI**

**President**

Op las van die President-in-Kabinet:

**B. S. MABANDLA**

**Minister van die Kabinet**

**BYLAE**

1. Die aanskaffing en gebeure wat aanleiding gegee het tot die aanskaffing, vanaf Augustus 2003, van dienste vir die reparasie en onderhoud van straat- en openbare beligting en hoë maste, en die voorsiening van komponente in verband daarmee, strydig met toepaslike wetgewing en die Munisipaliteit se interne regulasies, en verliese wat die Munisipaliteit as gevolg daarvan gely het.
  2. Die vrystelling van 'n kontrakteur van 'n diensleweringswaarborg wat die koste van die Munisipaliteit sou dek in geval van wanprestasie deur die kontrakteur, nadat die gemelde kontrakteur wanpresteer het.
  3. Die huur van en gebeure wat aanleiding gegee het tot die huur van 10 motorvoertuie, gedurende 2004, strydig met toepaslike wetgewing, en verliese wat die Munisipaliteit as gevolg daarvan gely het.
  4. Die aanskaffing van en gebeure wat aanleiding gegee het tot die aanskaffing van finansiële bestuursadviseringsdienste, gedurende Julie 2004, strydig met toepaslike wetgewing, en verliese wat die Munisipaliteit as gevolg daarvan gely het.
  5. Die afskrywing van skuld vir belasting en diensgelde wat aan die Munisipaliteit verskuldig was, en verliese wat die Munisipaliteit as gevolg daarvan gely het.
  6. Die verbeuring deur die Munisipaliteit van 'n deposito wat dit betaal het kragtens 'n kontrak vir die aanskaffing van onroerende eiendom, by kansellasië van die kontrak gedurende 2003.
  7. Die huur van vaste eiendom deur die Munisipaliteit sonder dat die Munisipaliteit okkupasie van die grond geneem het vir ongeveer 'n jaar en ongemagtigde verbeterings wat aan die eiendom aangebring is op die Munisipaliteit se onkoste.
-