

PROCLAMATION NOTICE 245 OF 2025

**by the
PRESIDENT of the REPUBLIC of SOUTH AFRICA**

SPECIAL INVESTIGATING UNITS AND SPECIAL TRIBUNALS ACT, 1996 (ACT NO. 74 OF 1996): REFERRAL OF MATTERS TO EXISTING SPECIAL INVESTIGATING UNIT AND SPECIAL TRIBUNAL: LEPELLE-NKUMPI LOCAL MUNICIPALITY

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 Lepelle-Nkumpi Local Municipality (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 civil proceedings 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 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 (Act No. 12 of 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 has taken place between 1 December 2013 and the date of publication of this Proclamation or which took place prior to 1 December 2013 or after the date of publication of this Proclamation, but is relevant to, connected with, incidental or ancillary to the matters mentioned in the Schedule or involve the same persons, entities or contracts investigated under 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 Pretoria this twenty-third day of December Two thousand and twenty-four.

**CM Ramaphosa
President**

By Order of the President-in-Cabinet:

**M T Kubayi
Minister of the Cabinet**

SCHEDULE

1. The procurement of and contracting for goods, works or services by or on behalf of the Municipality and payments made in respect thereof in a manner that was—
 - (a) not fair, competitive, transparent, equitable or cost-effective;
 - (b) contrary to applicable—
 - (i) legislation;
 - (ii) manuals, guidelines, circulars or instructions issued by the National Treasury or the relevant Provincial Treasury; or
 - (iii) manuals, policies, procedures, prescripts, instructions or practices of or applicable to the Municipality,and any related unauthorised, irregular or fruitless and wasteful expenditure incurred by the Municipality in respect of—
 - (aa) tender number LNM043/2014/2015 relating to the provision of professional services for the closure and rehabilitation plan of the old dumping site in Zone A;
 - (bb) the award of contracts in, or about, August 2015 for the electrification of Rakgoatha Village Extension, Mapatjakeng Village Extension and Motserereng Village Extension;
 - (cc) the award of a contract in, or about June 2016 for the upgrade of the access road from Units S to Q;
 - (dd) the award of a contract in, or about June 2016 for the construction of the Madisha Ditoro small access bridge and the upgrading of internal streets and storm water drains (phase 1) in Rakgoatha;
 - (ee) the award of a contract in, or about April 2016 for the tarring of 9 km of internal streets in Rockville and Unit S, Lebowakgomo; and
 - (ff) the award of a contract in, or about December 2013 for the refurbishment of the Lebowakgomo Civic Centre.
2. Any unlawful or irregular conduct by—
 - (a) employees of the Municipality; or
 - (b) any other person or entity,relating to the allegations referred to in paragraph 1 of this Schedule.

PROKLAMASIE KENNISGEWING 245 VAN 2025**van die
PRESIDENT van die REPUBLIEK van SUID AFRIKA****WET OP ONDERSOEKEENHEDE EN SPESIALE TRIBUNALE, 1996 (WET NO. 74 VAN 1996): VERWYSING VAN AANGELEENTHEDE NA BESTAANDE SPESIALE ONDERSOEKEENHEID: LEPELLE-NKUMPI PLAASLIKE MUNISIPALITEIT**

AANGESIEN bewerings soos beoog in artikel 2(2) van die Wet op Spesiale Ondersoekeenheede en Spesiale Tribunale, 1996 (Wet No. 74 van 1996) ("die Wet"), gemaak is in verband met die aangeleenthede van die Lepelle-Nkumpi Plaaslike Munisipaliteit (hierna na verwys as "die Munisipaliteit");

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

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

DERHALWE verwys ek hierby, kragtens artikel 2(1) van die Wet, die aangeleenthede in die Bylae vermeld ten opsigte van die Munisipaliteit, 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 die aangeleenthede, die opdrag van die Spesiale Ondersoekeenheid is om soos beoog in gemelde Wet, ondersoek te doen na enige beweerde—

- (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) 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 (Wet No. 12 van 2004), en welke misdrywe gepleeg is 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 daarvan veroorsaak het of kan veroorsaak, wat plaasgevind het tussen 1 Desember 2013 en die datum van publikasie van hierdie Proklamasie of wat plaasgevind het voor 1 Desember 2013 of na die datum van publikasie van hierdie Proklamasie, wat relevant is tot, verband hou met, insidenteel of bykomstig is tot, die aangeleenthede vermeld in die Bylae of wat dieselfde persone, entiteite of kontrakte betrek wat ondersoek word kragtens die volmag verleen deur hierdie Proklamasie, en om al die werksaamhede en bevoegdhede wat deur die Wet aan die gemelde Spesiale Ondersoekeenheid toegewys of opgedra is, uit te oefen of te verrig in verband met die genoemde aangeleenthede in die Bylae, insluitend 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 drie-en-twintigste dag van Desember Twee duisend-en- vier-en-twintig.

CM Ramaphosa
President

Op las van die President-in-Kabinet:

M T Kubayi
Minister van die Kabinet

BYLAE

1. Die verkryging van, of kontraktering van goedere, werke of dienste deur of namens die Munisipaliteit en betalings wat ten opsigte daarvan gemaak op 'n wyse wat—

- (a) nie regverdig, mededingend, deursigtig, billik of koste-effektief was nie; of
- (b) strydig was met toepaslike—
 - (i) wetgewing;
 - (ii) handleidings, riglyne, praktyknotas, omsendskrywes of instruksies wat deur die Nasionale Tesourie of die betrokke Provinsiale Tesourie uitgevaardig is; of
 - (iii) handleidings, beleid, prosedures, voorskrifte, instruksies of praktyke van, of wat op die Munisipaliteit van toepassing is,

en enige verwante ongemagtigde, onreëlmatige of vrugtelose en verkwiste uitgawes wat aangegaan is deur die Munisipaliteit ten opsigte van—

- (aa) tendernommer LNM043/2014/2015 wat toegeken is vir die voorsiening van professionele dienste vir die sluiting en rehabilitasieplan van die ou stortingsterrein in Zone A;
- (bb) die toekenning van kontrakte in, of ongeveer Augustus 2015 vir die elektrifisering van Rakgoatha Dorp Uitbreiding, Mapatjakeng Dorp Uitbreiding en Motserereng Dorp Uitbreiding;
- (cc) die toekenning van 'n kontrak in, of ongeveer Junie 2016 vir die opgradering van die toegangspad van Eenhede S tot Q;
- (dd) die toekenning van 'n kontrak in, of ongeveer Junie 2016 vir die konstruksie van die Madisha Ditoro klein toegangsbrug en die opgradering van interne strate en stormwaterdreins (fase 1) in Rakgoatha;
- (ee) die toekenning van 'n kontrak in, of ongeveer April 2016 vir die teer van 9 km interne strate in Rockville en Deel S, Lebowakgomo; en
- (ff) die toekenning van 'n kontrak in, of ongeveer Desember 2013 vir die opknapping van die Lebowakgomo Burgersentrum.

2. Enige onwettige of onbehoorlike gedrag deur—

- (a) werknemers van die Munisipaliteit;
- (b) enige ander persoon of entiteit,

met betrekking tot die bewerings uiteengesit in paragraaf 1 van hierdie Bylae.