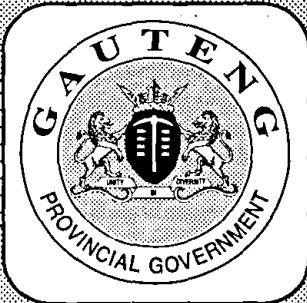


THE PROVINCE OF
GAUTENG



DIE PROVINSIE
GAUTENG

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PRETORIA, 2 SEPTEMBER 1997

No. 387

PROCLAMATION • PROKLAMASIE

No. 34 (Premier's), 1997

PROCLAMATION

by the

Premier of the Province of Gauteng

COMMISSION OF INQUIRY INTO THE BRONKHORSTSsprUIT TRANSITIONAL LOCAL COUNCIL

Under the powers vested in me by section 2 of the Provincial Commissions Act, 1997 (Act No. 1 of 1977), I hereby—

- (1) appoint a Commission of Inquiry into alleged irregularities in the Bronkhorstspruit Transitional Local Council;
- (2) define the matter to be investigated by the Commission and its other terms of reference as set out in Schedule 1 hereto;
- (3) make the regulations in Schedule 2 hereto in English and Afrikaans;
- (4) appoint Mr Jeremiah Mnisi and Mr Sandile Beauchamp as members of the Commission;
- (5) appoint Mr David Fourie as secretary to the Commission;
- (6) designate Mr Jeremiah Mnisi as the chairperson of the Commission.

SCHEDULE 1

TERMS OF REFERENCE

to the

COMMISSION OF INQUIRY INTO THE BRONKHORSTSsprUIT TRANSITIONAL LOCAL COUNCIL

The matter to be investigated by the Commission and its other terms of reference are as follows:

1. To inquire into and report on the alleged irregularities pertaining to—
 - (a) severance packages offered to officials of the Bronkhorstspruit Transitional Local Council, including that paid to the former Chief Executive Officer, Dr H. B. Senekal; and
 - (b) the Taiwanese Project in Erasmus Extension 8, Bronkhorstspruit.
 2. To submit its report to the Premier on or before **31 October 1997**.
-

SCHEDULE 2

REGULATIONS

1. In these regulations, unless the context otherwise indicates—

"commission" means the Commission of Inquiry into the alleged irregularities pertaining to severance packages offered to officials of the Bronkhorstspruit Transitional Council, including that paid to the former Chief Executive Officer, Dr H. B. Senekal, and the Taiwanese Project in Erasmus Extension 8, Bronkhorstspruit;

"chairperson" means the chairperson and only member of the Commission;

"document" includes any book, pamphlet, record, list, circular, plan, placard, poster, publication, drawing, photograph or picture;

"inquiry" means the inquiry conducted by the Commission;

"member" means the member of the Commission;

"officer" means a person in the full-time service of the State who has been appointed or designated to assist the Commission in the execution of its functions;

"premises" includes any land, building, structure, part of a building or structure, vehicle, conveyance, vessel or aircraft.

2. The proceedings of the Commission shall be recorded in the manner determined by the Commission.
3. (1) Any person appointed or designated to take down or record the proceedings of the Commission in shorthand or by mechanical means or to transcribe such proceedings which have been so taken down or recorded shall at the outset take an oath or make and affirmation in the following form:

I, A.B., declare under oath/affirm and declare—

- (a) that I shall faithfully and to the best of my ability take down/record the proceedings of the Commission of Inquiry into the alleged irregularities in the Bronkhorstspruit Transitional Local Council in shorthand/by mechanical means as ordered by the chairperson of the Commission;
- (b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record by the proceedings of the said Commission made by me or by any other person.

- (2) No shorthand notes or mechanical record of the proceedings of the Commission shall be transcribed except by order of the chairperson.
4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3 (1), shall help to preserve secrecy with regard to any matter or information that may come to his knowledge in the performance of his duties in connection with the said functions, except in so far as the publication of such matter or information is necessary for the purposes of the report of the Commission, and every such person, except the chairperson and member or any officer shall, before performing any duty in connection with the Commission, take and subscribe before the Chairperson an oath of fidelity or secrecy in the following form:
- I, A.B., declare under oath/affirm and declare that except in so far as it is necessary in the performance of my duties in connection with the functions of the Commission of Inquiry into the alleged irregularities in the Bronkhorstspruit Transitional Local Council, or by order of a competent court, I shall not communicate to any person any matter or information which may come to my knowledge in connection with the inquiry of the said Commission, or suffer or permit any person to have access to any records of the Commission, including any note, record or transcription of the proceedings of the said Commission in my possession or custody or in the possession or custody of the said Commission or any officer.
5. No person shall communicate to any other person any matter or information which may have come to his knowledge in connection with the inquiry of the Commission or suffer or permit any other person to have access to any records of the Commission, except in so far as it is necessary in the performance of his duties in connection with the functions of the Commission, or by order of a competent court.
6. The Commission may designate one or more knowledgeable persons to assist with the Commission in the performance of some of its functions, in a capacity other than that of a member.
7. The member or an officer generally or specifically authorised thereto by the chairperson shall administer an oath to or accept an affirmation from any witness appearing before the Commission.
8. Where, at the time of any person giving evidence before the Commission, members of the general public are or have been excluded from attendance at the proceedings of the commission, the chairperson may, on the request of such person, direct that no person shall disclose in any manner whatsoever the name or address of such person or any information likely to reveal his or her identity.
9. Any witness appearing before the Commission may be cross-examined by a person only if the chairperson permits such cross-examination by such person because the chairperson deems it necessary in the interest of the functions of the Commission.
10. Any witness appearing before the Commission may, in the discretion of the chairperson and in such manner as may be determined by him, be assisted by an advocate or an attorney.
11. An officer, attorney or advocate designated thereto by the chairperson may be present at the hearing of evidence at the inquiry and may adduce evidence and arguments relating to the inquiry.
12. Whenever the Commission is satisfied upon evidence or information presented to it that the Commission's inquiry may adversely affect any existing, instituted or pending legal proceedings or any investigation instituted in terms of any law, evidence which is relevant to such legal proceedings or investigation shall be dealt with by the Commission in such a manner as not to affect adversely such legal proceedings or investigation.
13. The Commission or any officer may, with a warrant, for the purposes of the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document which is on such premises.
14. No person shall without the written permission of the chairperson—
- disseminate any document submitted to the Commission by any person in connection with the inquiry or publish the contents or any portion of the contents of such document; or
 - peruse any document, including any statement, which is destined to be submitted to the Commission or intercept such document while it is being taken or forwarded to the chairperson.

15. No person shall insult, disparage or belittle the Commission or prejudice the proceedings or findings of the Commission.
 16. Any person who—
 - (a) wilfully hinders, resist or obstructs the Commission or any officer in the exercise of any power contemplated in regulation 13; or
 - (b) contravenes a provision of regulation 5, 8, 14 or 15; or
 - (c) contravenes a provision of regulation 16, shall be guilty of an offence and liable on conviction—
 - (i) in the case of an offence referred to in paragraph (a) or (b), to a fine or to imprisonment for a period not exceeding six months; and
 - (ii) in the case of an offence referred to in paragraph (c) to a fine, or to imprisonment for a period not exceeding 12 months.
-

No. 34 (Premier's-), 1997

PROKLAMASIE

deur die

Premier van die Provincie Gauteng

KOMMISSIE VAN ONDERSOEK NA DIE BRONKHORSTSPRUIT PLAASLIKE OORGANGSRAAD

Kragtens die bevoegdheid my verleen by artikel 2 van die Proviniale Kommissiewet, 1997 (Wet No. 1 van 1997)—

- (1) stel ek hiermee 'n Kommissie van Ondersoek aan om beweerde onreëlmaturhede in die Bronkhorspruit Plaaslike Oorgangsraad te ondersoek;
- (2) bepaal ek die aangeleenthede wat deur die Kommissie ondersoek moet word en sy ander opdrag soos uiteengesit in Bylae 1; hierby;
- (3) maak ek die regulasies, in Bylae 2 vervat, hierby in Engels en Afrikaans;
- (4) stel ek **mnr. Jeremiah Mnisi** en **Sandile Beauchamp** as lede van die Kommissie aan;
- (5) stel ek **mnr. David Fourie** as sekretaris van die Kommissie aan;
- (6) stel ek **mnr. Jeremiah Mnisi** as voorsitter van die Kommissie aan.

BYLAE 1

OPDRAG

aan die

KOMMISSIE VAN ONDERSOEK NA DIE BRONKHORSTSPRUIT PLAASLIKE OORGANGSRAAD

Die aangeleenthede wat deur die Kommissie ondersoek moet word en sy ander opdrag is soos volg:

1. Om ondersoek te doen na en te rapporteer oor beweerde onreëlmaturhede wat betrekking het op—
 - (a) skeidingspakkette wat aan amptenare van die Bronkhorspruit Plaaslike Oorgangsraad aangebied was, insluitende dié wat aan die voormalige Hoof-Uitvoerende Beampte, dr. H. B. Senekal, uitbetaal was; en
 - (b) die Taiwanese Projek in Erasmus-uitbreiding 8, Bronkhorspruit.
2. Om sy verslag voor of op **31 Oktober 1997** aan die Premier voor te lê.

BYLAE 2

REGULASIES

1. In hierdie regulasies, tensy in stryd met die samehang, beteken—

“kommissie” die Kommissie van Ondersoek na beweerde onreëlmatighede met betrekking tot skeidingspakkette wat aan die amptenare van die Bronkhorstspruit Plaaslike Oorgangsraad aangebied was, insluitende dié wat aan die voormalige Hoof- Uitvoerende Beämpte, dr. H. B. Senekal, uitbetaal was, en die Taiwanese Projek in Erasmus-uitbreiding 8, Bronkhorstspruit;

“voorsitter” die voorsitter van die Kommissie;

“dokument” ook enige boek, pamflet, rekord, lys, omsendskrywe, plan, plakkaat, aanplakker, publikasie, tekening, foto of prent;

“ondersoek” die ondersoek geleei deur die Kommissie;

“lid” die lid van die Kommissie;

“beämpte” 'n persoon in die voltydse diens van die staat wat aangestel of benoem is om die kommissie by te staan in die uitvoering van sy funksies;

“perseel” ook enige grond, gebou, struktuur, deel van 'n gebou of struktuur, voertuig, vervoermiddel, vaartuig of lugvaartuig.

2. Die verrigtinge van die Kommissie sal opgeneem word op die wyse soos deur die Kommissie bepaal.

3. (1) Enige persoon wat aangestel of benoem is om die verrigtinge van die Kommissie in snelskrif of op meganiese wyse af te neem of om sodanige verrigtinge wat aldus afgeneem is moet, by die aanvang van die Kommissie se verrigtinge, die ondergenoemde eed of verklaring aflê:

Ek, A.B., verklaar onder eed/bevestig en verklaar—

- (a) dat ek getrou en tot die beste van my vermoë die verrigtinge van die Kommissie van Ondersoek na die beweerde onreëlmatighede in die Bronkhorstspruit Plaaslike Oorgangsraad in snelskrif of op meganiese wyse sal afneem soos aan my opgedra deur die voorsitter van die kommissie;
- (b) dat ek enige snelskrif notas/meganiese weergawe van die verrigtinge van die Kommissie, deur my of enige ander persoon afgeneem, volledig en na die beste van my vermoë sal transkribeer.

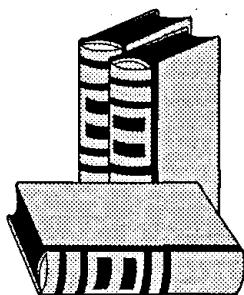
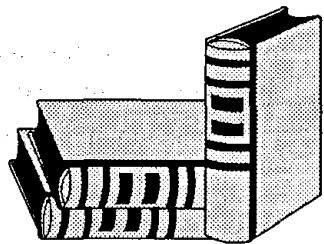
- (2) Geen snelskrifnotas of meganiese weergawe van die verrigtinge van die Kommissie mag, behalwe wanneer deur die voorsitter gelas, getranskribeer word nie.

4. Enige persoon, insluitende 'n persoon waarna in regulasie 3 (1) verwys word, wat belas is met die werkzaamhede van die Kommissie moet saamwerk om geheimhouding met betrekking tot enige aangeleentheid of inligting wat uit hoofde van sy of haar betrokkenheid by die Kommissie tot sy of haar kennis kom, te bewaar, behalwe in soverre die openbaarmaking van sodanige aangeleenthede of inligting vir die doeleindes van die Kommissie se verslag nodig is en elke sodanige persoon, behalwe die voorsitter of lid of enige beämpte moet, voordat enige plig met betrekking tot die werkzaamhede van die Kommissie uitgevoer word, die volgende eed of verklaring aflê:

Ek, A.B., verklaar onder eed/bevestig en verklaar dat behalwe in so ver as wat dit noodsaaklik is in die uitvoering van my pligte in verband met die uitvoering van die funksies van die Kommissie van Ondersoek na die beweerde onreëlmatighede in die Bronkhorstspruit Plaaslike Oorgangsraad, of in opdrag van 'n bevoegde hof, sal ek nie met enige persoon kommunikeer oor enige aangeleentheid of inligting wat onder my aandag kom in verband met die ondersoek van die genoemde Kommissie, of enige persoon toelaat om toegang te verkry tot enige rekords van die Kommissie, insluitende enige nota, rekord of transkripsie van die verrigtinge van die genoemde Kommissie in my besit of bewaring van die genoemde Kommissie of enige beämpte.

5. Geen persoon mag enige aangeleentheid of inligting wat in verband met die ondersoek van die Kommissie onder sy aandag kom aan enige persoon kommunikeer of toelaat dat enige persoon toegang tot enige rekords van die Kommissie verkry nie behalwe in soverre as wat dit noodsaaklik is in die uitvoering van sy pligte in verband met die werksaamhede van die Kommissie of op bevel van 'n bevoegde hof.
6. Die Kommissie mag een of meer kundige persone, in 'n hoedanigheid anders as die van 'n lid, benoem om die Kommissie by te staan in die uitvoering van sekere van sy funksies.
7. Die lid of 'n beampete wat in die algemeen of spesifieke deur die voorsitter daartoe gemagtig is, sal 'n eed afneem of 'n bevestiging aanvaar van enige getuie wat voor die Kommissie verskyn.
8. Waar, op die tydstip wanneer enige persoon getuenis voor die Kommissie aflê, lede van die algemene publiek uitgesluit of uitgesluit is om die verrigtinge van die Kommissie by te woon, mag die voorsitter, op versoek van sodanige persoon beveel dat geen persoon op welke manier ook al die naam of adres van sodanige persoon, of enige inligting wat moontlik sy of haar identiteit kan openbaar, bekend maak nie.
9. Enige getuie wat voor die Kommissie verskyn mag, indien die voorsitter dit in die belang van die Kommissie ag en dit toelaat, deur 'n ander persoon kruisondervra word.
10. Enige getuie wat voor die Kommissie verskyn, mag, volgens die diskresie van die voorsitter en op die manier wat hy mag bepaal, bygestaan word deur 'n advokaat of 'n prokureur.
11. 'n Beampete, prokureur of advokaat deur die voorsitter aangewys mag by die aanhoor van getuenis tydens die ondersoek teenwoordig wees en mag getuenis en argumente aanvoer wat op die ondersoek betrekking het.
12. Indien die Kommissie, nadat getuenis of inligting aan hom voorgelê is en hy van oordeel is dat die Kommissie se ondersoek enige bestaande, ingestelde of hangende regsaksies of enige ondersoek ingevolge enige wet gelas, ernstig mag beïnvloed, moet die Kommissie met die getuenis wat op sodanige aksies of ondersoek betrekking mag hê op sodanige wyse handel dat die gemelde aksies of ondersoek nie daardeur nadelig geraak word nie.
13. Die Kommissie of enige beampete mag, met 'n lasbrief, vir die doeleindes van die ondersoek, op alle redelike tye enige perseel betree en ondersoek en enige dokument eis en beslag lê op enige dokument wat op sodanige perseel is.
14. Geen persoon mag, sonder die skriftelike toestemming van die voorsitter—
 - (a) enige dokument wat deur enige persoon in verband met die ondersoek aan die Kommissie voorgelê is, versprei of die inhoud of gedeelte van die inhoud van sodanige dokument gepubliseer nie; of
 - (b) enige dokument, insluitende enige verklaring wat bestem is om aan die Kommissie voorgelê te word, deurgaan of sodanige dokument te onderskep nie terwyl dit na die voorsitter onderweg is.
15. Geen persoon mag die Kommissie beledig, minag of verkleineer of die verrigtinge of bevindinge van die Kommissie vooruitloop nie.
16. Enige persoon wat—
 - (a) die Kommissie of enige beampete in die uitvoering van enige funksie, soos bedoel in regulasie 13, opsetlik verhinder, weerhou of belemmer; of
 - (b) 'n bepaling van regulasie 5, 8, 14 of 15 oortree; of
 - (c) 'n bepaling van regulasie 16 oortree, is skuldig aan 'n misdryf en by skuldigbevinding strafbaar met—
 - (i) in die geval van 'n misdryf soos bedoel in paragraaf (a) of (b), 'n boete of gevangenisstraf vir 'n tydperk wat nie ses maande oorskry nie; en
 - (ii) in die geval van 'n misdryf soos bedoel in paragraaf (c), 'n boete of gevangenisstraf vir 'n tydperk wat nie 12 maande oorskry nie.

Where is the largest amount of meteorological information in the whole of South Africa available?



Waar is die meeste weerkundige inligting in die hele Suid-Afrika beskikbaar?

*Department of Environmental Affairs and Tourism
Departement van Omgewingsake en Toerisme*

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