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TENDERS

PROVINCE OF THE NORTHERN CAPE

TERMS OF REFERENCE

of the

Premier of the Province of the Northern Cape

to the

**COMMISSION OF INQUIRY INTO ALLEGED IRREGULARITIES OR MALPRACTICES REGARDING THE
AFFAIRS OR ACTIVITIES OF THE SPRINGBOK MUNICIPALITY**

The Commission's terms of reference are as follows:

- (a) To investigate alleged irregularities or malpractices regarding the allocation, leasing, alienation and/or the acquisition of shares in municipal land known as Namastat and the extent to which these actions complied with applicable prescribed rules, regulations and instructions;
- (b) to investigate the alleged irregularities or malpractices regarding the qualification by certain members of the Springbok Municipal Council, to be elected to and to remain as members in the said council;
- (c) to investigate alleged irregularities or malpractices regarding the housing projects administered by the Springbok Municipal Council during the period 1 January 1993 to 1 January 1996; and
- (d) to report to me from time to time and as soon as this can conveniently be done, using all diligence, the results of your inquiry.

E. M. DIPICO

Premier: Northern Cape Province

PROCLAMATION

PROCLAMATION

by the

Premier of the Northern Cape

No. 9, 1996

**COMMISSION OF INQUIRY INTO ALLEGED IRREGULARITIES OR MALPRACTICES REGARDING THE
AFFAIRS OR ACTIVITIES OF THE SPRINGBOK MUNICIPALITY**

Under the powers vested in me by section 147 (1) (d) of the Republic of South Africa Constitution Act, 1993 (Act No. 200 of 1993), read with clause 2 of the Cape Provincial Ordinance, No. 1 of 1945, I hereby declare that the provisions of the said Ordinance shall be applicable to the Commission of Inquiry into Alleged Irregularities or Malpractices regarding the Affairs or Activities of the Springbok Municipality.

I am further pleased to appoint Advocate Pat Huma as the only member of the said Commission.

Given under my Hand at Kimberley this Fourth day of June, One thousand Nine hundred and Ninety-six.

E. M. DIPICO

Premier: Northern Cape Province

SCHEDULE

REGULATIONS

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

"Commission" means the Commission of Inquiry into Alleged Irregularities or malpractices regarding the Affairs or Activities of the Springbok Municipality;

"Province" means the Province of the Northern Cape;

"Director-General" means the Director-General of the Northern Cape Province;

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

"enquiry" means the enquiry conducted by the Commission;

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

"Premier" means the Premier of the Northern Cape Province;

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

2. The Chairperson or a person duly authorised thereto by the Chairperson, may by decision of the Commission investigate, conduct a sitting or hear evidence on any matter within the terms of reference of the Commission and, in the case of a person authorised by the Chairperson, report his or her findings to the Commission.
3. In the course of carrying out any decision of the Commission contemplated in regulation 3, a person duly authorised thereto by the Chairperson shall have all the duties, rights, obligations and authorities of the Commission and any report resulting from such actions shall become part of the Commission.
4. Meetings of the Commission shall be held at a time and place determined by the Chairperson.
5. The Director-General shall, in consultation with the Chairperson, appoint a Secretary for the Commission and arrange for the rendering of secretarial and technical support services to the Commission.
6. (1) The Chairperson may designate one or more knowledgeable persons to assist the Commission in the performance of some of its functions, in a capacity other than that of a member.
(2) The Chairperson may request the Director-General to make any person available to advise on or investigate or research any matter related to the terms of reference of the Commission.
7. The proceedings of the Commission shall be recorded in the manner determined by the Chairperson.
8. 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 an 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 Enquiry into Alleged Irregularities or Malpractices Regarding the Affairs or Activities of the Springbok Municipality, 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 recordings of the proceedings of the said Commission made by me or by any other person".
9. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 6 and 8, shall take an oath or make an affirmation of fidelity or secrecy in the following form:

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

that except in so far as it may be necessary in the performance of my duties in connection with the functions of the Commission of Enquiry into Alleged Irregularities or Malpractices Regarding the Affairs or Activities of the Springbok Municipality, or by the order of the Premier or Commission 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 enquiry of the said Commission or to allow or permit any person to have access to any record 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".
10. No person, who is in terms of regulation 9 required to take an oath or make an affirmation of fidelity, shall communicate to any other person any matter or information which may have come to his/her knowledge in connection with the inquiry of the Commission or allow or permit any other person to have access to any records of the Commission, except in so far as it may be necessary in the performance of his/her duties in connection with the functions of the Commission or by order of the Premier or the Commission or a competent court.
11. All the evidence and addresses heard by the Commission shall be heard in public: Provided that the Chairperson may, if in his/her opinion it is necessary, exclude from the place where such evidence is to be given or such address is to be delivered, any class of persons or all persons whose presence at the hearing of such evidence or address is not desirable.

12. Where, at the time of any person giving evidence before the Commission, members of the general public are or have been excluded in terms of regulation 11 from attendance at the proceedings of the Commission, the Chairperson may, on the request of the person giving or who gave evidence, direct that no person shall disclose in any manner whatsoever the name or address of such person or any information likely to reveal his/her identity.
13. Any witness appearing before the Commission may only be cross-examined by a person 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.
14. Any witness appearing before the Commission may, in the discretion of the Chairperson and in such manner as may be determined by him/her, be assisted by an advocate or an attorney.
15. An officer, attorney or advocate designated thereto by the Chairperson may be present at the hearing of evidence at the inquiry and adduce evidence and arguments relating to the inquiry.
16. No person shall, except in so far as shall be necessary in the execution of the terms of reference of the Commission, publish or furnish any other person with the report or any interim report of the Commission or a copy or part thereof or information regarding the consideration of evidence by the Commission for publication before the expiration of a period of 14 days after it has been submitted to the Premier: Provided that the Premier may authorize publication of any such report before the expiration of that period.
17. No person may in any manner whatsoever disrupt the proceedings of the Commission or prejudice the proceedings or findings of the Commission or anticipate the findings of the Commission.
18. Any person who wilfully hinders, resists or obstructs the Chairperson or any officer in the exercise of any power referred to in this regulations, or contravenes the provisions of regulation 10, 12, 16 or 17 shall be guilty of an offence and liable on conviction to a fine of imprisonment for a period not exceeding six months.

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