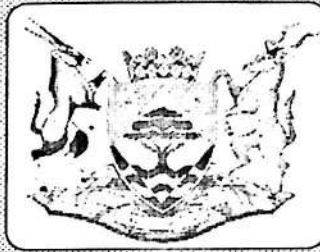


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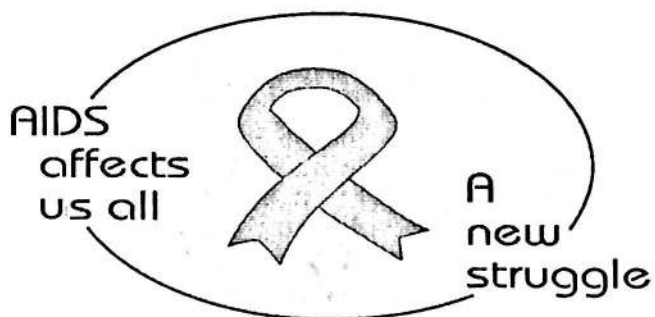
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KIMBERLEY, 30 SEPTEMBER 1999

No. 414

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DEPARTMENT OF HEALTH

PROCLAMATION

PROCLAMATION

by the

Premier of the Northern Cape

No. 18, 1999

COMMISSION OF INQUIRY INTO CIRCUMSTANCES REGARDING THE INCIDENT AT THE GALESHEWE STADIUM ON SATURDAY, 7 AUGUST 1999, DURING A MUSIC FESTIVAL WHERE CERTAIN PERSONS DIED AND OTHERS GOT INJURED

Under the powers vested in me by section 127 (2) (e) of the Constitution of the Republic of South Africa Act, 1996 (Act No. 108 of 1996), read with section 2 (1) of the Northern Cape Commission of Inquiry Act, No. 4 of 1996, I hereby declare that the provisions of the said Act No. 4 of 1996, shall be applicable to the Commission of Inquiry into circumstances regarding the incidents at the Galeshewe Stadium on Saturday, 7 August 1999, during a music festival where certain persons died and others got injured, and I hereby make the regulations contained in the Schedule with reference to the said Commission.

I am further pleased to appoint the following persons as members of the said Commission:

Advocate Mabel Nosisi Mzondeki

Ms Portia Nompumelelo Mafungo

Given under my hand this 14th day of September, One Thousand Nine Hundred and Ninety-nine.

E. M. DIPICO

Premier

SCHEDULE

REGULATIONS

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

"**Commission**" means the Commission of Inquiry into Circumstances regarding the incident at the Galeshewe Stadium on Saturday, 7 August 1999, during a music festival where certain persons died and others got injured;

"**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 an 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;

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

2. The Chairperson or 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 short-hand 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 Inquiry into circumstances regarding the incident at the Galeshewe Stadium on Saturday, 7 August 1999, during a music festival where certain persons died and others got injured, 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 regulations 6 and 8, shall take an oath or make 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 Inquiry into circumstances regarding the incident at the Galeshewe Stadium on Saturday, 7 August 1999, during a music festival where certain persons died and others got injured, 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 to 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.

PROVINCE OF THE NORTHERN CAPE

TERMS OF REFERENCE

of the

Premier of the Province of the Northern Cape

to the

COMMISSION OF INQUIRY INTO CIRCUMSTANCES REGARDING THE INCIDENTS AT THE GALESHEWE STADIUM ON SATURDAY, 7 AUGUST 1999, DURING A MUSIC FESTIVAL WHERE CERTAIN PERSONS DIED AND OTHERS GOT INJURED

The Commission's terms of reference are as follows:

- (a) To investigate any irregularities and unlawful conduct regarding the planning and/or organisation of the music festival by members of any organ of state or private persons, that may have led or resulted with the incidents at the Galeshewe stadium on the day of the music festival.
- (b) To investigate any irregular, unbecoming or unlawful conduct on the part of any person in and around the Galeshewe Stadium that might have led or resulted with the incidents at the said stadium on the day of the music festival; and
- (c) 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

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