



NORTH WEST NOORDWES

EXTRAORDINARY • BUITENGEWOON

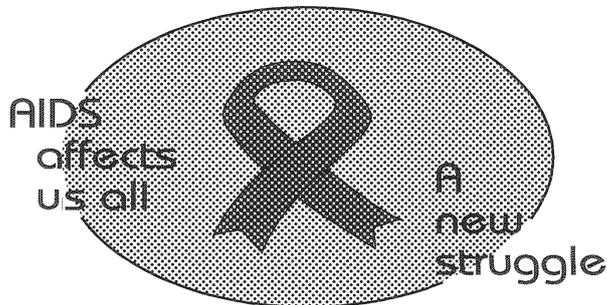
**PROVINCIAL GAZETTE
PROVINSIALE KOERANT**

Vol. 258

MAHIKENG, 29 SEPTEMBER 2015

No. 7547

We all have the power to prevent AIDS



**AIDS
HELPLINE**

0800 012 322

DEPARTMENT OF HEALTH

Prevention is the cure

N.B. The Government Printing Works will not be held responsible for the quality of "Hard Copies" or "Electronic Files" submitted for publication purposes

ISSN 1682-4532



9 771682 453002

07547



IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.



GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.

DISCLAIMER:

Government Printing Works reserves the right to apply the 25% discount to all Legal and Liquor notices that comply with the business rules for notice submissions for publication in gazettes.

National, Provincial, Road Carrier Permits and Tender notices will pay the price as published in the Government Gazettes.

For any information, please contact the eGazette Contact Centre on 012-748 6200 or email info.egazette@gpw.gov.za

ADVERTISEMENT

Gazette *Page*
No. *No.*

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

| | | | |
|----|--|------|---|
| 86 | North West Legislature Witness Bill, 2015: Notice of publication of a Bill in terms of Rule 187 of the Standing Rules of the North West Provincial Legislature | 7547 | 4 |
|----|--|------|---|

PROVINCIAL NOTICES • PROVINSIALE KENNISGEWINGS

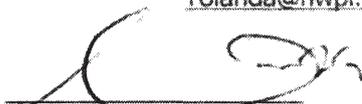
PROVINCIAL NOTICE 86 OF 2015**SUBJECT: NOTICE OF PUBLICATION OF A BILL IN TERMS OF RULE 187 OF THE
STANDING RULES OF THE NORTH WEST PROVINCIAL LEGISLATURE**

A notice is hereby given of publication of the *North West Legislature Witness Bill, 2015* together with its memorandum in terms of *Rule 188* of the North West Provincial Legislature Standing Rules.

Written submissions are hereby invited from interested person(s), such which can be submitted to the office of the Secretary to the North West Provincial Legislature on the contacts provided hereunder:

e-mail address: morerom@nwpl.org.za

Yolanda@nwpl.org.za



Mr. I. A. Kekesi

Acting Secretary: North West Provincial Legislature

NORTH WEST LEGISLATURE WITNESS BILL, 2015

*(As introduced in the Provincial Legislature)
(The English text is the official text of the Bill)*

**(Standing Committee on Legislative Review and Resolutions
of the House)**

ACT

To regulate the summoning, attendance and examination of a witness before the Legislature or a committee; to compel a witness to comply with the summons, to create offences relating to conduct of a person; and to provide for matters connected thereto.

Preamble

WHEREAS section 115 of the Constitution of the Republic of South Africa, 1996 provides for the Legislature to summon any person to appear before it to give evidence on oath or affirmation;

BE IT ENACTED by the North West Provincial Legislature as follows:-

Definitions

1. (1) In this Act, unless the context otherwise indicates –

“**committee**” means a committee in terms of the Standing Rules of the Legislature;

“**Constitution**” means the Constitution of the Republic of South Africa, 1996;

“**Legislature**” means the North West Provincial Legislature in terms of section 104 of the Constitution;

“**relevant Chairperson**” means the Chairperson of a Committee that subpoenas a witness for questioning in respect of any matter for investigation before the committee;

“**Standing Rules**” mean the Standing Rules of the Legislature in terms of section 116 of the Constitution and adopted by the House;

“**this Act**” includes the Annexure to the Act and any regulations made in terms of the Act; and

“**witness**” means a person or provincial institution who gives evidence under oath or affirmation to a committee.

Object

2. The object of this Act is to ensure attendance of witnesses before the Legislature or its committees and to create offences relating to witnesses and the act of witnessing.

Summons to attend

3. (1) The Legislature or a committee may subject to having complied with the Standing Rules and subsection (2), summons any person to give evidence on oath or affirmation or to produce documents or any matter before the committee.
 - (2) The relevant Chairperson must satisfy the Speaker that evidence of a witness is material.
 - (3) The Secretary must issue a summons to appear before a committee on the written instruction of the Speaker.

Summons

4. (1) A summons must be issued on the writ of summons which is attached in the Annexure to this Act and must include at least –
 - (a) the summons and place of attendance;
 - (b) an instruction to give evidence, produce documents or other articles as specified;
 - (c) the reason for a person's attendance; and
 - (d) the consequences for failure to attend.
- (2) The summons must be served by the sheriff appointed in terms of section 2(1) of the Sheriff's Act, 1986 (Act 90 of 1986).

- (3) The summons must be served –
- (a) on the person mentioned in the summons; or
 - (b) at the person's usual or last known place of residence or of employment or business to a person who is apparently over the age of 18 years and apparently residing or employed there.
- (4) A return by the sheriff is prima facie proof of service.

Examination of witness

5. (1) The relevant Chairperson or a person designated by him or her must –
- (a) call upon and administer an oath or accept an affirmation from the witness;
 - (b) examine the witness;
 - (c) require the witness to produce any book, paper, record, document or object in his or possession, custody or under his or her control which may have a bearing on the subject of the enquiry; and
 - (d) upon request of the witness avail an interpreter for the proceedings.
- (2) A witness must –
- (a) honestly answer all questions put to him or her; and
 - (b) produce any book, paper, record, document or object in his possession or custody or under his or her control.
- (3) A witness may not provide hearsay evidence in respect of a matter that is not within his or her direct or personal knowledge, except for hearsay evidence that is admissible in terms of Law of Evidence.

Witness privilege

6. (1) The law relating to privilege, as applicable to a witness before a court of law, applies.
- (2) A witness who answered all questions put to him or her fully and satisfactorily may, except for a charge of perjury or an offence that involves a fraudulent element, not be liable to any civil or criminal proceedings, arrest, imprisonment or damages by reason of anything –
- (a) said by him or her in the cause of giving evidence; or
 - (b) said by him or her before and now revealed by his or her evidence.

Witness protection

7. The relevant Chairperson may assess the need to protect a witness and may direct that evidence be given in camera.

Attendance of witness detained in prison or other state institution

8. The relevant Chairperson may subject to section 3, order the person in charge of a prison or other state institution to bring a witness who is in his or her custody, for examination in terms of this Act.

Compensation for witness expense

9. The Speaker may subject to financial directives and availability of funds, pay to a witness who is not in government service, an amount for reasonable expenses incurred as a result of being summonsed by the Legislature.

Offences and penalties

10. (1) A person who –
- (a) has been summoned in terms of section 4(3) and who without sufficient cause fails to –
 - (i) attend at the time and place specified in the summons; or
 - (ii) remain in attendance until excused from further attendance by the relevant Chairperson;
 - (b) refuses to be sworn in or to make an affirmation as a witness; or
 - (c) fails, without sufficient cause to –
 - (i) answer fully and satisfactorily a question lawfully put to him or her; or
 - (ii) produce a paper, book, record, document or object in his or her possession or custody or under his or her control when required in terms of section 5(2),
- commits an offence and is on conviction liable to a fine or imprisonment for a period not exceeding 12 months or to both such fine and imprisonment.
- (2) A person who –
- (a) threatens, obstructs or in any way unduly influences a witness required to give evidence or to produce any paper, book, record or document before the Legislature or a committee;
 - (b) with intent to deceive the Legislature or a committee, produce false, untrue, fabricated or falsified paper, book, record or document;
 - (c) wilfully furnishes the Legislature or a committee with information or make a statement before it, which is false or misleading;
 - (d) wilfully interrupts a meeting where a person is a witness in terms of this Act; or

- (e) defames the committee or a member thereof, commits an offence and is on conviction liable to a fine or to imprisonment for a period that does not exceed two years or to both such fine and imprisonment.

Regulations

11. The Speaker may make regulations which are not inconsistent with this Act or other law regarding generally any matter which he or she deems necessary or expedient to prescribe for the better administration of this Act.

Short title and commencement

12. This Act is called the North West Legislature Witness Act, 2015 and it comes into operation on a date of publication in the Provincial *Gazette*.

ANNEXURE

North West Legislature Writ of Summons

(Section 4)

Issued in terms of:

- (i) Section 115 of the Constitution of the Republic of South Africa, 1996; and
(ii) Section 4 of the North West Legislature Witness Act,..... of 2015.

To: _____

BY ORDER OF THE HONOURABLE SPEAKER OF THE NORTH WEST PROVINCIAL LEGISLATURE, you are hereby in terms of the above legislation commanded to appear before

to give evidence on oath or affirmation regarding

and produce any paper, book, record or document regarding the above and/or the following specified documentation:

TAKE NOTE THAT

_____ will commence its
meeting/sitting at _____ on the _____ day of
_____ 20 or as thereafter as the Honourable Chairperson of
the Committee may determine.

FURTHER TAKE NOTE that your failure without sufficient cause –

- (i) to attend at the time and place specified in the summons;
- (ii) to remain in attendance until excused from further attendance by the person presiding at the enquiry;
- (iii) to be sworn it or to make an affirmation as a witness;
- (iv) to answer fully and satisfactorily any question lawfully put to you; or
- (v) to produce any paper, book, record or document in your possession or custody or under your control which you are required to produce,

SHALL RENDER YOU GUILTY of an offence in terms of section 10 of the **North West Legislature Witness Act of 2015** and you will on conviction be liable to a fine or to imprisonment as stated in the Act.

THIS WRIT was issued under my hand _____

SIGNED _____

**SECRETARY TO THE NORTH WEST PROVINCIAL
LEGISLATURE**

DATED this _____ day of _____ 20__ at _____

ENDORSEMENT AS TO SERVICE

THIS WRIT was served by me _____ at _____

(where)

On _____

(whom)

on this _____ day of _____ 20__

SIGNED _____

DATED this _____ day of _____ 20__ at _____

OR

SUBSTITUTED SERVICE

THIS WRIT was left by me _____ with _____

(whom) and adult person at the usual or last known place or residence of the

person(s) summoned on this day _____ of _____ 20__

SIGNED _____

DATED this _____ day of _____ 20__ at _____

MEMORANDUM ON THE OBJECTS OF THE NORTH WEST LEGISLATURE WITNESS BILL, 2015

1. BACKGROUND

1.1 The North West Legislature Witness Bill seeks to give effect to the provisions of section 115(c) of the Constitution, same which confers upon the legislature a power to compel any person or institution to comply with the summons it would have issued to secure evidence that will assist it to make a determination on a particular subject in the course of executing its constitutional mandate.

1.2 The North West Provincial Legislature (hereinafter referred to as “**the Legislature**”) has acknowledged that, the absence of a legislation of this nature has adversely affected the efficient and effective execution of its constitutional duties, with the current regulatory regime being only its Standing Rules.

1.3 The Legislature has further acknowledged that, as Standing Rules constitute a policy instrument as opposed to a law, thus for the purposes of enforcing compliance in terms of section 115(c) of the Constitution *supra*, it shall not be legally competent to employ such an instrument, hence the decision to enact a legislation seeking to complement the area being covered by its Standing Rules.

1.4 A thorough constitutional assessment has been conducted to ensure that a province is competent to pass a legislation of this nature in terms of the provisions of the Constitution as per the purview of section 104 thereof.

2. OBJECTS OF THE BILL

The Bill seeks to regulate the process of summoning, attendance and examination of witnesses before the Legislature or a committee; compel witnesses to comply with the summons and create offences relating to conduct of a person.

- 2.1. Clause 1 deals with definitions of terms.
- 2.2. Clause 2 deals with the object of the Act.
- 2.3. Clause 3 regulates a competence by the committee to issue summons to a person or body to give evidence before it, and the procedure pertaining to tendering evidence.
- 2.4. Clause 4 regulates the procedure and substance that must regulate the process of summoning.
- 2.5. Clause 5 regulates administering of evidence by the chairperson during the proceedings of the committee, and the nature and scope of such an evidence.
- 2.6. Clause 6 deals with the privileges disposable to the witnesses, and legal principle of immunity.
- 2.7. Clause 7 deals with witness protection service that may be extended to a witness.
- 2.8. Clause 8 deals with the power conferred on the chairperson of the committee to issue an order for the incarcerated witness to be availed before the committee to give evidence.
- 2.9. Clause 9 deals with compensation of witnesses appearing before the Legislature.

- 2.10. Clause 10 deals with offences and penalties that are attendant to the implementation of this Act.
- 2.11. Clause 11 deals with the competence by the Speaker to make regulations in line with this Act.
- 2.12. Clause 12 deals with short title and commencement of this Act.

3. FINANCIAL IMPLICATIONS FOR THE STATE

There are no financial implications for the State.

4. LEGISLATURE PROCEDURE

The bill in issue does not affect the status, institutions, powers and functions of local government as per the prescripts of section 154 of the Constitution, as such it is not necessary to refer it through such a process. However, through the process of public participation that will unfold at committee stage, engagement with communities in the processing of this bill will be realized.

IMPORTANT

Information

from Government Printing Works

Dear Valued Customers,

Government Printing Works has implemented rules for completing and submitting the electronic Adobe Forms when you, the customer, submits your notice request.

Please take note of these guidelines when completing your form.

GPW Business Rules

1. No hand written notices will be accepted for processing, this includes Adobe forms which have been completed by hand.
2. Notices can only be submitted in Adobe electronic form format to the email submission address submit.egazette@gpw.gov.za. This means that any notice submissions not on an Adobe electronic form that are submitted to this mailbox will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
3. Notices brought into GPW by "walk-in" customers on electronic media can only be submitted in Adobe electronic form format. This means that any notice submissions not on an Adobe electronic form that are submitted by the customer on electronic media will be **rejected**. National or Provincial gazette notices, where the Z95 or Z95Prov must be an Adobe form but the notice content (body) will be an attachment.
4. All customers who walk in to GPW that wish to submit a notice that is not on an electronic Adobe form will be routed to the Contact Centre where the customer will be taken through the completion of the form by a GPW representative. Where a customer walks into GPW with a stack of hard copy notices delivered by a messenger on behalf of a newspaper the messenger must be referred back to the sender as the submission does not adhere to the submission rules.
5. All notice submissions that do not comply with point 2 will be charged full price for the notice submission.
6. The current cut-off of all Gazette's remains unchanged for all channels. (Refer to the GPW website for submission deadlines – www.gpwonline.co.za)
7. Incorrectly completed forms and notices submitted in the wrong format will be rejected to the customer to be corrected and resubmitted. Assistance will be available through the Contact Centre should help be required when completing the forms. (012-748 6200 or email info.egazette@gpw.gov.za)
8. All re-submissions by customers will be subject to the above cut-off times.
9. All submissions and re-submissions that miss the cut-off will be rejected to the customer to be submitted with a new publication date.
10. Information on forms will be taken as the primary source of the notice to be published. Any instructions that are on the email body or covering letter that contradicts the notice form content will be ignored.

You are therefore advised that effective from **Monday, 18 May 2015** should you not comply with our new rules of engagement, all notice requests will be rejected by our new system.

Furthermore, the fax number **012- 748 6030** will also be **discontinued** from this date and customers will only be able to submit notice requests through the email address submit.egazette@gpw.gov.za.



eGazette



Printed by and obtainable from the Government Printer, Bosman Street, Private Bag X85, Pretoria, 0001.
Contact Centre Tel: 012-748 6200. eMail: info.egazette@gpw.gov.za
Also available at the **North-West Province**, Private Bag X2036, Mmabatho, 8681. Tel. (0140) 81-0121.