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PROVINSIE WES-KAAP

IPHONDO LENTSHONA KOLONI

Provincial Gazette Extraordinary

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PROVINCIAL NOTICES

The following Provincial Notices are published for general information.

V. L. PETERSEN (Ms),
ACTING DIRECTOR-GENERAL

Provincial Building,
Wale Street,
Cape Town.

PROVINSIALE KENNISGEWINGS

Die volgende Provinsiale Kennisgewings word vir algemene inligting gepubliseer.

V. L. PETERSEN (Me),
WAARNEMENDE DIREKTEUR-GENERAAL

Provinsiale-gebou,
Waalstraat,
Kaapstad.

P.N. 365/2007 12 December 2007

NOTICE IN RE:

COMMISSION OF ENQUIRY INTO POSSIBLE OCCURRENCE OF MALADMINISTRATION, CORRUPTION OR OTHER SERIOUS MALPRACTICE IN THE CITY OF CAPE TOWN
(hereinafter referred to as "the Erasmus Commission of Inquiry")

WHEREAS a Commission of Inquiry has been instituted by the Premier of the Province of the Western Cape, the Honourable Mr Ebrahim Rasool by means of Proclamation No. 18/2007 published in the Provincial Gazette Extraordinary No. 6485 into the possible occurrence of maladministration, corruption, fraud or other serious malpractice in the City of Cape Town (''the City'') regarding the investigation allegedly authorized by the Speaker of the City in terms of Item 13 of the Code of Conduct for Councillors in respect of Councillor Chaaban.

Notice is hereby given to all interested persons, parties and/or organisations who wish to furnish information to the Commission or to make written submissions to the Commission in respect of any matter pertaining to any of the issues to be investigated by the Commission in terms of its terms of reference or in respect of any matter related thereto, must inform the Secretary to the Commission and supply such information and deliver such written submissions as they may wish to make to the Secretary of the Commission, on or before Friday, 28 December 2007 at the address set out below.

Attention is drawn to the fact that documentation submitted must be by way of a sworn affidavit and that witnesses who present oral representations will be requested to do so under oath or to make an affirmation.

Confidential and anonymous information may also be forwarded to the toll-free number 0800 005 315. Such information will be investigated and verified before being forwarded to the Commissioners.

SIGNED AT CAPE TOWN ON THIS 6th DAY OF DECEMBER 2007.

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P.K. 365/2007 12 Desember 2007

KENNISGEWING IS:

KOMMISSIE VAN ONDERSOEK NA DIE MOONTLIKE VOORKOMS VAN WANADMINISTRASIE, KORRUPSIE, BEDROG OF ANDER ERNSTIGE WANPRAKTYKE IN DIE STAD KAAPSTAD
(hierna verwys as "die Erasmus Kommissie van Ondersoek")

WAAR die Premier van die Wes-Kaap Provinsie, die Agbare mnr Ebrahim Rasool, 'n Kommissie van Ondersoek gelas het ingevolge Proklamasie Nr. 18/2007 gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6485 na die moontlike voorkoms van wanadministrasie, korrupsie, bedrog of ander ernstige wanpraktyke in die Stad Kaapstad (''die Stad'') met betrekking tot die ondersoek na bewering gemagtig deur die Speaker van die Stad kragtens Item 13 van die Gedragskode vir Raadslede ten opsigte van raadslid Chaaban.

Kennis word hiermee gegee dat alle belangstellende persone, partye en/of organisasies wat inligting aan die Kommissie wil voorlê of geskrewe voorleggings aan die Kommissie wil maak met betrekking tot enige saak rakende die aangeleenthede wat deur die Kommissie ondersoek sal word in terme van sy opdrag, die Sekretaris van die Kommissie moet inlig en van sodanige inligting voorsien en geskrewe voorleggings lewer op of voor Vrydag, 28 Desember 2007 by die onderstaande adres.

U aandag word daarop gevestig dat alle dokumentasie by wyse van 'n beëdigde verklaring voorgelê moet word en dat getuies wat mondelinge voorleggings doen versoek sal word om dit onder eed of in 'n beëdigde verklaring te doen.

Vertroulike en anonieme inligting mag ook gestuur word na die tolvrye nommer 0800 005 315. Sodanige inligting sal ondersoek en geverifieer word voordat dit na die Kommissarisse aangestuur word.

ONDERTEKEN IN KAAPSTAD OP HIERDIE 6de DAG VAN DESEMBER 2007.

____

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P.N. 365/2007 12 kaDisemba 2007

ISAZISO ESIYIMPENDULO:

IKHOMISHONI YOPHANDO NGOLAWULO OLUGWENXA, INKOHLAKALO, UBUQHETSEBA NAKO NOKUPHI NA OKUYINKQUBO EGWENXA KWISIXEKO SEKAPA
(nethe yaziwa ngokuba "yiKhomishoni yoPhando ka-Erasmsus")

NANJENGOKO le Khomishoni yoPhando isungulwe yiNkulumbuso yePhondo leNtshona Koloni, ohloniphekileyo uMnu Ebrahim Rasool ngeSaziso esinguNombolo 18/2007 esipapashwe kwiGazethi kaRhulumente wePhondo engaQhelekanga enguNombolo 6485 ngolawulo olugwenxa, ubuqhetseba, urhwaphilizo okanye nokuphi na okunye okuyinkqubo egwenxa kwisiXeko seKapa ngokophando olwaziwa njengolugunyaziswe nguSomlomo wesiXeko, ngokwemiqathango yomHlathi 13 womGaqo wokuziPhatha kooCeba ngokuphathelele kuCeba Chaaban.

Esi saziso sithunyelwa kuye wonke umntu/amaqela/imibutho enomdla nefuna ukuxhobisa le Khomishoni ngeenkcukacha okanye abafuna ukwenza imbalelwano neKhomishoni ngokuphathelele kuko nokuphi na ekufuneka kuphandiwe yile Khomishoni ngokwemimiselo emisiweyo okanye nako nokuphi na okungqamene noku, abo bafuna ukwenza njalo mabazise uNobhala weKhomishoni ukuze banike iinkcukacha abafuna ukunikezela ngazo benze nezo mbalelwano ngokweminqweno yabo kuNobhala weKhomishoni, ngaphambi komhla wama-28 kuDisemba ka-2007 kwidilesi enikwe apha ngezantsi.

Kuqwalaselwe ngeliso elibukhali okokuba amaxwebhu afakiweyo kufuneka kube kanti afakwe ngokohlobo le-afidavithi namangqina anika ubungqina ngomlomo aza kucelwa ukuba enze isifungo okanye isiqinisekiso.

Iinkcukacha eziyimfihlo nezingabhalwanga magama abanini bazo nazo zingafakwa kwinombolo engahlawulelwayo engu-0800 005 315. Ezo nkcukacha ziya kuphicothwa ukuze kuqinisekiswe ngazo phambi kokuba zigqithiselwe kwiKhomishoni.

KUTYIKITYWE EKAPA NGALO MHLA WE 6 KADISEMBA NGO-2007.

____

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P.N. 366/2007 12 December 2007

NOTICE OF A COMMISSION OF INQUIRY INSTITUTED TO INVESTIGATE ALLEGATIONS INTO POSSIBLE OCCURRENCE OF MALADMINISTRATION, CORRUPTION OR OTHER SERIOUS MALPRACTICE IN THE CITY OF CAPE TOWN (hereinafter to be referred to as "the Erasmus Commission of Inquiry")

Notice is hereby given of a Commission of Inquiry instituted by the Premier of the Western Cape, the Honourable Mr Ebrahim Rasool and the Provincial Minister of Local Government and Housing, Western Cape, Mr Qubudile Richard Dyantyi, in terms of Proclamation No. 18/2007 published in the Provincial Gazette Extraordinary No. 6485 into the possible occurrence of maladministration, corruption, fraud or other serious malpractice in the City of Cape Town (''the City'') regarding the investigation allegedly authorized by the Speaker of the City in terms of Item 13 of the Code of Conduct for Councillors in respect of Councillor Chaaban.

The Premier of the Province of the Western Cape, under the powers vested in him by Section 1 of the Western Cape Provincial Commissions Act, 1998 (Act 10 of 1998) (''the Act''), appointed the following persons as members of the Commission:

1. The Honourable Justice N C Erasmus—Chairperson

2. Mr G Papadakis

3. Ms H Vermeulen

In addition to the members of the Commission referred to and reflected above, Mr Z C Twala has been appointed as the Secretary to the Commission and Mr F Petersen has been appointed as the evidence leader in the proceedings.

The terms of reference for the Commission are as follows:

1. To conduct an investigation into the possible occurrence of maladministration, corruption, fraud or other serious malpractice in the City of Cape Town (''the City'') regarding the investigation allegedly authorised by the Speaker of the City in terms of Item 13 of the Code of Conduct for Councillors in respect of Councillor Chaaban, and in particular:

   1.1 to establish the legality and lawfulness of the investigation allegedly authorized by the Speaker of the City;

   1.2 to establish whether the City or its political and administrative office bearers reported their suspicion of criminal activity by Councillor Chaaban to the South African Police Service, if yes, when; if not, why not;

   1.3 to establish whether the City paid for work done by George Fivaz & Associates (''GFA'') or any other service provider relating to this matter, before they were appointed by the City and whether such payment was lawfully made;

   1.4 to establish whether any other service providers were engaged by the City for any matter related to the investigation allegedly authorised by the Speaker of the City in terms of Item 13 of the Code of Conduct for Councillors, if so, what the scope of their services was; what the result of the work done by the service provider/s are; and what the costs incurred by the City in this regard were;

   1.5 to establish whether the contract between the City and GFA makes provision for the gathering of intelligence and electronic surveillance and monitoring of Councillors and other persons, and if so, whether this is lawful;

   1.6 to establish whether any policies of the Council and/or its political and/or administrative structures were transgressed;

   1.7 to establish whether the City paid for work done on behalf of a political party or parties in this regard; and

   1.8 to establish whether the Municipal Finance Management Act, 2003, or any other laws were transgressed by the City and/or its agents in the procurement and implementation of the contracts with GFA.

2. The Chairperson of the Commission must submit a written report on its findings to the Premier by 31 January 2008.

SIGNED AT CAPE TOWN ON THIS 6th DAY OF DECEMBER 2007.

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P.K. 366/2007 12 Desenber 2007

KENNISGEWING VAN ’N KOMMISSIE VAN ONDERSOEK INGESTEL OM BEWERINGS OOR DIE MOONTLIKE VOORKOMS VAN WANADMINISTRASIE, KORRUPSIE, BEDROG OF ANDER ERNSTIGE WANPRAKTYKE IN DIE STAD KAAPSTAD TE ONDERSOEK
(hierna verwys as “die Erasmus Kommissie van Ondersoek”)

Kennis word hiermee gegee van ’n Kommissie van Ondersoek ingestel deur die Premier van die Wes-Kaap, die Agbare mnr Ebrahim Rasool en die provinsiale Minister van Plaaslike Regering en Behuising, Wes-Kaap, mnr Qubudile Richard Dyantyi, ingevolge Proklamasie Nr. 18/2007 soos gepubliseer in die Buitengewone Provinsiale Koerant Nr. 6485 na die moontlike voorkoms van wanadministrasie, korrupsie, bedrog of ander ernstige wanpraktyke in die Stad Kaapstad (‘‘die Stad’’) na aanleiding van die ondersoek wat na bewering deur die Speaker van die Stad gemagtig is ingevolge item 13 van die Gedragskode vir Raadslede ten opsigte van raadslid Chaaban.

Die Premier van die Provinsie Wes-Kaap, volgens die magte wat aan hom verleen word deur artikel 1 van die Provinsiale Kommissiewet, 1998 (Wet 10 van 1998) (‘‘die Wet’’), het die volgende persone as lede van die Kommissie aangestel:

1. Die Agbare Regter N C Erasmus—Voorsitter
2. Mnr G Papadakis
3. Me H Vermeulen

Benewens die lede van die Kommissie na wie daar verwys is en wat hierbo genoem word, is mnr Z C Twala as die Sekretaris van die Kommissie aangestel en mnr F Petersen om die getuienis tydens die verrigtinge te lei.

Die opdrag van die Kommissie is soos volg:

1. Om ondersoek in te stel na die moontlike voorkoms van wanadministrasie, korrupsie, bedrog of ander ernstige wanpraktyke in die Stad Kaapstad (‘‘die Stad’’) ten opsigte van die ondersoek wat na bewering deur die Speaker van die Stad gemagtig is ingevolge item 13 van die Gedragskode vir Raadslede ten opsigte van raadslid Chaaban, en in besonder:
    - 1.1 om die wetlikheid en regmatigheid van die ondersoek wat na bewering deur die Speaker van die Stad gemagtig is, te bepaal;
    - 1.2 om vas te stel of die Stad of sy politieke en administratiewe ampsdraers hul vermoede van kriminele aktiwiteite deur raadslid Chaaban aangemeld het by die Suid-Afrikaanse Polisiediens, en indien wel, wanneer; en indien nie, waarom nie;
    - 1.3 om vas te stel of die Stad vir George Fivaz en Vennote (‘‘GFA’’) of enige ander diensverskaffers betaal het vir werk wat in verband met hierdie aangeleentheid gedoen is voordat hulle deur die Stad aangestel is en of sodanige betaling regmatig geskied het;
    - 1.4 om vas te stel of enige ander diensverskaffers deur die Stad betrek is by enige aangeleentheid met betrekking tot die ondersoek wat na bewering deur die Speaker van die Stad gemagtig is ingevolge item 13 van die Gedragskode vir Raadslede, en indien wel, wat die omvang van hul dienste was, wat die uitslag was van die werk wat deur die diensverskaffer(s) gedoen is, en watter koste deur die Stad in hierdie opsig aangegaan is;
    - 1.5 om vas te stel of die kontrak tussen die Stad en die GFA voorsiening maak vir die inwin van vertroulike inligting en vir elektroniese waarnemings en die monitering van raadslede en ander persone, en indien wel, of dit wettig is;
    - 1.6 om vas te stel of enige beleid van die Raad en/of sy politieke en administratiewe strukture oortree is;
    - 1.7 om vas te stel of die Stad betaal het vir werk wat namens ’n politieke party of partye gedoen is in hierdie opsig; en
    - 1.8 om vas te stel of die Wet op Munisipale Finansiële Bestuur, 2003, of enige ander wette oortree is deur die Stad en/of sy agente in die verkryging en inwerkingstelling van die kontrakte met die GFA.
2. Die Voorsitter van die Kommissie moet teen 31 Januarie 2008 ’n skriftelike verslag oor die bevindings aan die Premier voorlê.

GETEKEN IN KAAPSTAD OP HIERDIE 6de DAG VAN DESEMBER 2007.

____

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P.N. 366/2007 12 kaDisemba 2007

ISAZISO SEKHOMISHONI YOPHANDO ESENZELWA UKUPHANDA NGEZITYHOLO ZOLAWULO OLUGWENXA OLUNOKUBA LWENZEKILE, INKOHLAKALO, UBUQHETSEBA NAKO NAKUPHI NA OKUNGALUNGANGA OKUXHOMISA AMEHLO KWISIXEKO SASEKAPA
(ngokwalapha okumele ukukhankanywa "njengoPhando lweKhomishoni ka-Erasmus")

Kukhutshwa isaziso ngenxa yoko esiya kwiKhomishoni yoPhando sithunyelwa yiNkulumbuso yePhondo leNtshona Koloni, oHloniphekileyo uMnu. Ebrahim Rasool ekunye nomPhathiswa weNtshona Koloni kuRhulumente weNqila nezeziNdlu onguMnu. Qubudile Richard Dyantyi, ngokumalunga nesiBhengezo esinguNombolo 18/2007 esapapashwa kwiGazethi yePhondo engaqhelekanga enguNombolo 6485 malunga nokunokwenzeka okululawulo olugwenxa, inkohlakalo, ubuqhetseba nako nakuphi na okungalunganga okuxhomisa amehlo kwisiXeko saseKapa (''isiXeko'') ngokuphathelele kuphando olugunyazisiweyo nguSomlomo wesiXeko phantsi kwemiqathango yomHlathi 13 womGaqo wokuziPhatha kooCeba kwicala ke likaCeba onguChaaban.

INkulumbuso yePhondo leNtshona Koloni, phantsi kwamagunya ewanikiweyo liCandelo 1 lomThetho ka-1998 weeKhomishoni zePhondo leNtshona Koloni, (umThetho 10 ka-1998) (''umThetho''), yanyula aba bantu balandelayo njengamalungu eKhomishoni:

1. Ohloniphekileyo uJustice N C Erasmus—uSihlalo

2. Mnu G Papadakis

3. Nksk H Vermeulen

Ukongeza kula malungu eKhomishoni kuthethwa ngawo nakhankanyiweyo apha ngasentla, uMnu Z C Twala unyuliwe njengoNobhala weKhomishoni yaye uMnu F Petersen unyuliwe njengenkokeli yobungqina kwiinkqubo zonke.

Ugunyaziso olunikwa le Khomishomi lolu lulandelayo:

1. Ukuba mayenze uphando ngokunokwenzeka okululawulo olugwenxa, inkohlakalo, ubuqhetseba, nako nakuphi na okuyinkqubo egwenxa kwisiXeko saseKapa (''isiXeko'') ngokumalunga nophando ekuthiwa lugunyazisiwe nguSomlomo wesiXeko phantsi kwemiqathango yomhlathi 13 womGaqo wokuziPhatha kukaCeba onguChabaan, yaye kugxininiswe ngakumbi:

   1.1 ekufumaniseni unxulumano nomthetho nokuba semthethweni kolu phando lugunyazisiweyo nguSomlomo wesiXeko;

   1.2 ekufumaniseni ukuba ingaba isiXeko okanye amagosa aso asezikhundleni zezopolitiko nalawo akwezolawulo ayinikile na ingxelo kwiiNkonzo zamaPolisa oMzantsi-Afrika yokumkrokrela kwawo uCeba Chabaan kwizenzo ezingekho mthethweni; ukuba kunjalo, ayinikezele nini; xa kungenjalo, kutheni engayinikezelanga nje ingxelo;

   1.3 ekufumaniseni ukuba ingaba isiXeko sihlawule na ngomsebenzi owenziwa ngabakwaGeorge Fivaz & Associates (''GFA'') okanye sihlawule na kuye nawuphi na onike inkonzo ngokuphathelele kulo mbandela, phambi kokuba banyulwe sisiXeko esi yaye ingaba intlawulo leyo yenziwe ngokusemthethweni na;

   1.4 ekufumaniseni ukuba ingaba bakhona ba abanye abaniki beenkonzo abathe baqeshwa sisiXeko ngokumalunga nawuphi na umbandela onxulumene nolu phando kuthiwa lugunyazisiwe nguSomlomo wesiXeko ngokuphathelele kwimiqathango yomHlathi 13 womGaqo wokuziPhatha kooCeba, kuze kuthi ukuba kunjalo, ifumanise ukuba yayisithini na imihlathi yezo nkonzo; nokuba zithini na iziphumo zomsebenzi wabaniki beenkonzo; nokuba zaziyintoni iindleko zesiXeko ngalo mbandela;

   1.5 ekufumaniseni ukuba ikontrakhthi ephakathi kwesiXeko nabakwaGFA inako na ekuqulathileyo ngokuqokelelwa kweenkcukacha kwiikhompyutha nokucutshwa kooCeba nabanye abantu; ukuze ukuba kunjalo, ingaba oko kwenzeke ngokusemthethweni na;

   1.6 ekufumaniseni ukuba ingaba imigaqo-nkqubo yeKhansile kunye/okanye nezigqeba zayo zezopolitiko okanye ezolawulo ziye zatyeshelwa na;

   1.7 ekufumaniseni ukuba ingaba isiXeko sihlawule na ngomsebenzi owenziweyo egameni leqela lezopolitiko okanye lamaqela opolitiko ngokubhekiselele kulo mbandela; kunye

   1.8 nokufumanisa ukuba umThetho ka-2003 oyiMunicipal Finance Management Act, okanye nayiphi na eminye imithetho, ingaba yaphulwe na sisiXeko kunye/okanye zii-arhente zaso ekufunyanweni nasekusebenziseni iikontrakhthi nabakwa-GFA.

2. USihlalo weKhomishoni kufuneka angenise kwiNkulumbuso ingxelo ebhaliweyo ngeziphumo zophando lwayo ngomhla wama-31 kuJanyuwari ka-2008.

KUSAYINWE EKAPA NGALO MHLA WE 6 KADISEMBA NGO-2007.

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