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OF
SOUTH AFRICA



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No. 11608

COMMISSION

by the

State President of the Republic of South Africa

To:

The Honourable Judge Wessel Groenewald Boshoff

GREETINGS!

Whereas I deem it expedient to appoint a commission to inquire into and report on the matters specified below and by reason of the great trust I repose in your knowledge and ability, I hereby authorise and appoint you to be the Chairman and sole member of a commission, with the following terms of reference:

To inquire into and report on—

- (a) the factors which have given rise to the unrest which occurred in KwaNdebele during 1986;
- (b) any mismanagement which may have occurred in the Government Service of KwaNdebele, the KwaNdebele National Development Corporation or the KwaNdebele Utility Company, with special reference to—
 - (i) any malpractices or irregularities, including any non-compliance with financial or other instructions, in the administration of a department of the said Government Service or in the administration of the said Corporation or Company;
 - (ii) any irregular or improper favouring of individuals or instances by any such department or the said Corporation or Company, whether or not such individuals or instances are attached to that department, Corporation or Company;
 - (iii) any abuse by persons in the management of any such department or the said Corporation or Company of their authority or position to attempt influencing decision-making in the Government of KwaNdebele; and

OPDRAG

van die

Staatspresident van die Republiek van Suid-Afrika

Aan:

Sy Edele Regter Wessel Groenewald Boshoff

SALUUT!

Aangesien ek dit dienstig ag om 'n kommissie aan te stel om ondersoek in te stel na en verslag te doen oor die aangeleenthede hieronder vermeld en groot vertroue het in u kennis en bekwaamheid, magtig ek u en stel ek u hierby aan as die Voorsitter en enigste lid van 'n kommissie, met die volgende opdrag:

Om ondersoek in te stel na en verslag te doen oor—

- (a) die faktore wat aanleiding gegee het tot die onluste wat gedurende 1986 in KwaNdebele voorgekom het;
- (b) enige wanbestuur wat in die Regeringsdiens van KwaNdebele, die KwaNdebele Nasionale Ontwikkelingskorporasie of die KwaNdebele Utiliteitsmaatskappy mag voorgekom het, met spesiale verwysing na—
 - (i) enige wanpraktyke of ongerymdhede, met inbegrip van enige nie-nakoming van finansiële of ander voorskrifte, in die administrasie van 'n departement van genoemde Regeringsdiens of in die administrasie van genoemde Korporasie of Maatskappy;
 - (ii) enige onreëlmatige of onbehoorlike bevoordeling van individue of instansies deur so 'n departement of genoemde Korporasie of Maatskappy, hetsy sodanige individue of instansies aan daardie departement, Korporasie of Maatskappy verbonde is of nie;
 - (iii) enige misbruik deur persone in die bestuur van so 'n departement of genoemde Korporasie of Maatskappy van hul gesag of posisie om besluitneming in die Regering van KwaNdebele te probeer beïnvloed; en

- (iv) any losses sustained by any such department or the said Corporation or Company as a result of any misappropriation of funds of, or allocated or made available to, that department, Corporation or Company or as a result of any conduct referred to in subparagraph (i), (ii) or (iii);
- (c) the question whether any cases of mismanagement found by the Commission to have occurred have resulted in any loss or non-beneficial use of funds of, or derived from, the KwaNdebele Revenue Fund or made available by the South African Housing Trust; and
- (d) steps to be taken to put an end to, or to prevent the re-occurrence of, any such cases of mismanagement in order to ensure that funds in, or derived from, the said Revenue Fund or made available to KwaNdebele by the South African Housing Trust are applied to the best advantage of KwaNdebele and its residents.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this Twenty-fourth day of November, One thousand Nine hundred and Eighty-eight.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:
Minister of the Cabinet.

PROCLAMATION

by the

State President of the Republic of South Africa

No. R. 215, 1988

COMMISSIONS ACT, 1947

COMMISSION OF INQUIRY INTO THE 1986 UNREST AND ALLEGED MISMANAGEMENT IN KWA-NDEBELE

Under the powers vested in me by section 1 of the Commissions Act, 1947 (Act 8 of 1947), I hereby—

- (a) declare the provisions of the said Act to be applicable with reference to the Commission of Inquiry into The 1986 Unrest and Alleged Mismanagement in KwaNdebele; and
- (b) make the regulations set out in the Schedule with reference to the said Commission of Inquiry.

Given under my Hand and the Seal of the Republic of South Africa at Pretoria on this the Twenty-fourth day of November, One thousand Nine hundred and Eighty-eight.

P. W. BOTHA,
State President.

By Order of the State President-in-Cabinet:
Minister of the Cabinet.

SCHEDULE REGULATIONS

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

“Chairman” means the Chairman of the Commission;

“Commission” means the Commission of Inquiry into The 1986 Unrest and Alleged Mismanagement in KwaNdebele;

- (iv) enige verliese wat so 'n departement of genoemde Korporasie of Maatskappy as gevolg van enige wanbesteding van fondse van, of toegewys of beskikbaar gestel aan, daardie departement, Korporasie of Maatskappy of as gevolg van enige handeling in subparagraaf (i), (ii) of (iii) bedoel, gelyk het;

- (c) die vraag of enige gevalle van wanbestuur wat deur die Kommissie gevind word voor te gekom het enige verlies of nie-voordelige benutting van fondse van, of afkomstig van, die KwaNdebele Inkomstefonds of deur die Suid-Afrikaanse Behuisingstrust beskikbaar gestel, tot gevolg gehad het; en
- (d) stappe wat gedoen kan word om enige sodanige gevalle van wanbestuur stop te sit of die herhaling daarvan te voorkom ten einde te verseker dat fondse in, of afkomstig van, gemelde Inkomstefonds of deur die Suid-Afrikaanse Behuisingstrust aan KwaNdebele beskikbaar gestel tot beste voordeel van KwaNdebele en sy inwoners aangewend word.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria, op hede die Vier-en-twintigste dag van November Eenduisend Negehoerdt Agt-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:
Minister van die Kabinet.

PROKLAMASIE

van die

Staatspresident van die Republiek van Suid-Afrika

No. R. 215, 1988

KOMMISSIEWET, 1947

KOMMISSIE VAN ONDERSOEK NA DIE 1986-ONLUSTE EN BEWEERDE WANBESTUUR IN KWA-NDEBELE

Kragtens die bevoegdheid my verleen by artikel 1 van die Kommissiewet, 1947 (Wet 8 van 1947)—

- (a) verklaar ek hierby die bepalings van genoemde Wet van toepassing met betrekking tot die Kommissie van Onderzoek na Die 1986-onluste en Beweerde Wanbestuur in KwaNdebele; en
- (b) vaardig ek hierby die regulasies in die Bylae uiteengesit uit met betrekking tot genoemde Kommissie van Onderzoek.

Gegee onder my Hand en die Seël van die Republiek van Suid-Afrika te Pretoria op hede die Vier-en-twintigste dag van November Eenduisend Negehoerdt Agt-en-tagtig.

P. W. BOTHA,
Staatspresident.

Op las van die Staatspresident-in-Kabinet:
Minister van die Kabinet.

BYLAE

REGULASIES

1. In die hierdie regulasies, tensy uit die samehang anders blyk, beteken—

“beampste” iemand wat in die voltydse diens van die Staat is en wat aangestel of aangewys is om die Kommissie by die verrigting van sy werksaamhede behulpzaam te wees;

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

"inquiry" means the inquiry conducted by 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 Chairman.

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 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 The 1986 Unrest and Alleged Mismanagement in KwaNdebele in shorthand/by mechanical means as ordered by the Chairman of the Commission;

(b) that I shall transcribe fully and to the best of my ability any shorthand notes/mechanical record of 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 Chairman.

4. Every person employed in the execution of the functions of the Commission, including any person referred to in regulation 3 (1), shall assist in preserving secrecy in 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 may be necessary for the purposes of the report of the Commission, and every such person, except the Chairman or any officer, shall, before performing any duty with the Commission, 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 Inquiry into The 1986 Unrest and Alleged Mismanagement in KwaNdebele 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 allow 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 who is in terms of regulation 4 required to take an oath, or make an affirmation, of fidelity or secrecy 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 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 duties in connection with the functions of the Commission or by order of a competent court.

"dokument" ook 'n boek, pamflet, aantekening, lys, omsendbrief, plan, plakkaat, aanplakbiljet, publikasie, tekening, foto of prent;

"Kommissie" die Kommissie van Onderzoek na Die 1986-onluste en Beweerde Wanbestuur in KwaNdebele;

"ondersoek" die ondersoek wat deur die Kommissie ingestel word;

"perseel" ook grond of 'n gebou, bouwerk, gedeelte van 'n gebou of bouwerk, voertuig, vervoermiddel, vaartuig of lugvaartuig;

"Voorsitter" die Voorsitter van die Kommissie.

2. Die verrigtinge van die Kommissie word genotuleer op die wyse deur die Voorsitter bepaal.

3. (1) Iemand wat aangestel of aangewys is om die verrigtinge van die Kommissie in snelskrif aan te teken of op meganiese wyse op te neem of om sodanige verrigtinge wat aldus aangeteken of opgeneem is, te transkribeer, moet vooraf 'n eed of bevestiging in die volgende vorm aflê:

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

(a) dat ek getrou en na my beste vermoë die verrigtinge van die Kommissie van Onderzoek na Die 1986-onluste en Beweerde Wanbestuur in KwaNdebele in snelskrif sal aanteken/op meganiese wyse sal opneem soos deur die Voorsitter van die Kommissie gelas;

(b) dat ek enige snelskrifaantekeninge/meganiese opname van die verrigtinge van genoemde Kommissie deur my of iemand anders gemaak, volledig en na my beste vermoë sal transkribeer.

(2) Geen snelskrifaantekeninge of meganiese opname van die verrigtinge van die Kommissie word getranskribeer nie behalwe op las van die Voorsitter.

4. Elke persoon wat diens doen by die verrigting van die Kommissie se werksaamhede, met inbegrip van iemand in regulasie 3 (1) bedoel, moet ten aansien van enige aangeleentheid of inligting wat by die vervulling van sy pligte in verband met bedoelde werksaamhede tot sy kennis kom, geheimhouding help bewaar, behalwe vir sover bekendmaking van sodanige aangeleentheid of inligting vir die doeleindes van die Kommissie se verslag nodig mag wees, en elke sodanige persoon, behalwe die Voorsitter of 'n beampete, moet, voordat hy enige diens by die Kommissie verrig, 'n eed of bevestiging van getrouheid of geheimhouding in die volgende vorm aflê:

Ek, A.B., verklaar onder eed/bevestig en verklaar dat, behalwe vir sover dit by die uitvoering van my pligte in verband met die werksaamhede van die Kommissie van Onderzoek na Die 1986-onluste en Beweerde Wanbestuur in KwaNdebele of ingevolge 'n bevel van 'n bevoegde hof nodig mag wees, ek geen aangeleentheid of inligting wat in verband met genoemde Kommissie se ondersoek tot my kennis kom, aan enigiemand sal mededeel nie en niemand sal toelaat of veroorloof om toegang tot stukke van die Kommissie te verkry nie, met inbegrip van enige aantekening, opname of transkripsie van die verrigtinge van genoemde Kommissie in my besit of bewaring of in die besit of bewaring van genoemde Kommissie of 'n beampete.

5. Niemand wat ingevolge regulasie 4 'n eed of bevestiging van getrouheid of geheimhouding moet aflê en onderteken, mag enige aangeleentheid of inligting wat in verband met die Kommissie se ondersoek tot sy kennis gekom het, aan iemand anders mededeel of iemand anders toelaat of veroorloof om toegang te verkry tot stukke van die Kommissie nie, behalwe vir sover dit by die uitvoering van sy pligte in verband met die werksaamhede van die Kommissie of ingevolge 'n bevel van 'n bevoegde hof nodig mag wees.

6. The Chairman or an officer generally or specially authorised thereto by the Chairman shall administer an oath or affirmation on any witness appearing before the Commission.

7. If any person who gave or is giving evidence before the Commission or has been summoned to give evidence so requests the Commission, the Chairman may direct that no person shall disclose in any manner whatsoever the name or address of such person or any information likely to reveal his identity.

8. Any witness appearing before the Commission may only be cross-examined by a person if the Chairman permits such cross-examination by such person because the Chairman deems it necessary in the interest of the functions of the Commission.

9. Any witness appearing before the Commission may, in the discretion of the Chairman and in such manner as may be determined by him, be assisted by an advocate or an attorney.

10. An officer, attorney or advocate designated thereto by the Chairman may be present at the hearing of evidence at the inquiry and adduce evidence and arguments relating to the inquiry.

11. The Chairman or any officer may, for the purposes of the inquiry, at all reasonable times enter and inspect any premises and demand and seize any document on or kept on such premises.

12. No person shall, without the written permission of the Chairman, 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.

13. 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 of the Commission or a copy or part thereof or information regarding the consideration of evidence by the Commission unless and until the State President has released the report for publication or until the report has been laid on the Table in Parliament.

14. No person may insult, disparage or belittle the Chairman of the Commission or prejudice, influence or anticipate the proceedings or findings of the Commission.

15. Any person who—

- (a) wilfully hinders, resists or obstructs the Chairman or any officer in the exercise of any power referred to in regulation 11; or
- (b) contravenes the provisions of regulations 5, 7, 12 or 13; or
- (c) contravenes the provisions of regulation 14,

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 not exceeding R200 or imprisonment for a period not exceeding six months; and
- (ii) in the case of an offence referred to in paragraph (c), to a fine not exceeding R1 000 or imprisonment for a period not exceeding 12 months.

6. Die Voorsitter of 'n beampte deur die Voorsitter in die algemeen of spesiaal daartoe gemagtig, moet 'n getuie wat voor die Kommissie verskyn 'n eed opleë of van hom 'n bevestiging afneem.

7. Indien 'n persoon wat getuie is om aldus getuie af te lê, die Kommissie aldus versoek, kan die Voorsitter gelas dat niemand die naam of adres van sodanige persoon of enige inligting wat waarskynlik sy identiteit sal openbaar, op enige wyse hoegenaamd bekendmaak nie.

8. 'n Getuie wat voor die Kommissie verskyn, kan slegs deur 'n persoon in kruisverhoor geneem word indien die Voorsitter dié kruisverhoor deur daardie persoon toelaat omdat die Voorsitter dit in die belang van die werksaamhede van die Kommissie nodig ag.

9. 'n Getuie wat voor die Kommissie verskyn, kan na goeddunke van die voorsitter en op die wyse wat hy bepaal, deur 'n advokaat of prokureur bygestaan word.

10. 'n Beampte, prokureur of advokaat deur die Voorsitter daartoe aangewys, kan by die aanhoor van getuies by die ondersoek aanwesig wees en getuie en argumente wat op die ondersoek betrekking het, aanvoer.

11. Die Voorsitter of 'n beampte kan vir doeleindes van die ondersoek te alle redelike tye enige perseel betree en besigtig en enige dokument wat op sodanige perseel is of bewaar word, opeis en in beslag neem.

12. Niemand mag, sonder die skriftelike toestemming van die Voorsitter, 'n dokument wat in verband met die ondersoek deur enige persoon aan die Kommissie voorgelê is, versprei of die inhoud of 'n gedeelte van die inhoud van so 'n dokument publiseer nie.

13. Niemand mag, behalwe vir sover dit by die uitvoering van die Kommissie se opdrag nodig is, die verslag van die Kommissie of 'n afskrif of 'n gedeelte daarvan of inligting met betrekking tot die oorweging van getuie deur die Kommissie publiseer of aan iemand anders verstrek nie, tensy en voordat die Staatspresident die verslag vir publikasie beskikbaar gestel het of voordat die verslag in die Parlement ter Tafel gelê is.

14. Niemand mag die Voorsitter van die Kommissie beleedig, neerhaal of verkleineer of die verrigtinge of die bevindings van die Kommissie benadeel, beïnvloed of vooruitloop nie.

15. Iemand wat—

- (a) die Voorsitter of 'n beampte by die uitoefening van 'n bevoegdheid in regulasie 11 bedoel opsetlik hinder, teengaan of dwarsboom; of
 - (b) die bepalings van regulasies 5, 7, 12 of 13 oortree; of
 - (c) die bepalings van regulasie 14 oortree,
- is aan 'n misdryf skuldig en is by skuldigbevinding strafbaar—

- (i) in die geval van 'n misdryf in paragraaf (a) of (b) bedoel, met 'n boete van hoogstens R200 of gevangenisstraf vir 'n tydperk van hoogstens ses maande; en
- (ii) in die geval van 'n misdryf in paragraaf (c) bedoel, met 'n boete van hoogstens R1 000 of gevangenisstraf vir 'n tydperk van hoogstens 12 maande.

Please keep our country, South Africa, clean!
Help om ons land, Suid-Afrika, skoon te hou!

IMPORTANT!!

Placing of languages: *Government Gazettes*

1. Notice is hereby given that the interchange of languages in the *Government Gazette* will be effected annually from the first issue in October.
2. For the period 1 October 1988 to 30 September 1989, English is to be placed FIRST.
3. This arrangement is in conformity with Gazettes containing Acts of Parliament etc. where the language sequence remains constant throughout the sitting of Parliament.
4. ***It is therefore expected of you, the advertiser, to see that your copy is in accordance with the above-mentioned arrangement in order to avoid unnecessary style changes and editing to correspond with the correct style.***

— o o o —

BELANGRIK!!

Plasing van tale: *Staatskoerante*

1. Hiermee word bekendgemaak dat die omruil van tale in die *Staatskoerant* jaarliks geskied met die eerste uitgawe in Oktober.
2. Vir die tydperk 1 Oktober 1988 tot 30 September 1989 word Engels EERSTE geplaas.
3. Hierdie reëling is in ooreenstemming met dié van die Parlement waarby koerante met Wette ens. die taalvolgorde deurgaans behou vir die duur van die sitting.
4. ***Dit word dus van u, as adverteerder, verwag om u kopie met bogenoemde reëling te laat strook om onnodige omskakeling en stylredigering in ooreenstemming te bring.***

Use it

Don't abuse



it

water is for everybody

Werk mooi daarmee

Ons leef



daarvan

water is kosbaar

Please keep our country, South
Africa, clean!



Help om ons land, Suid-Afrika,
skoon te hou!

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